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BILL 140

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Government Bill

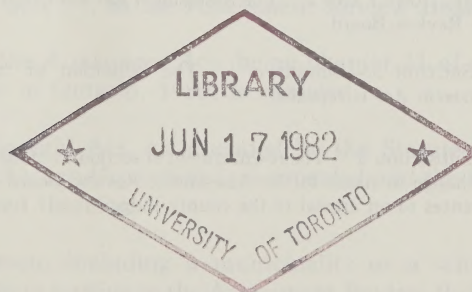
2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

2

**An Act to amend Certain Acts
in respect of Assessment Appeal Procedures**

THE HON. R. MCMURTRY
Attorney General



TORONTO

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EXPLANATORY NOTES

GENERAL

Under the existing *Assessment Act*, complaints against property assessments are first made to the Assessment Review Court. An appeal may then be taken to a judge of the county court, with a further appeal from the decision of the judge to the Ontario Municipal Board.

In order to overcome delays that have arisen under the existing legislation, the Bill will remove the county court judge from this process, so that appeals will go directly from the Assessment Review Court (renamed the Assessment Review Board) to the Municipal Board. A special Assessment Appeals Division of the Board is established to hear these appeals. In addition, appeals currently before county court judges that have not been set down for hearing will be transferred to the Municipal Board.

The Bill does not alter the procedure under section 50 of the *Assessment Act*, whereby questions of law relating to an assessment may be submitted, at any stage, directly to the county court or the Supreme Court.

The *Municipal Act* contains an appeal system similar to the *Assessment Act*. The Bill amends the *Municipal Act* so that appeals from the Assessment Review Board on applications to reduce or increase taxes will go directly to the Municipal Board. Similarly, the Bill amends the *Local Improvement Act* so that appeals from courts of revision respecting local improvement assessments will go directly to the Municipal Board. In both cases, the Bill removes county court judges from the appeal process.

SECTIONS 1 AND 2. The Assessment Review Court is renamed the Assessment Review Board.

SECTION 3.—Subsection 1. The definition of “county judge” in the *Assessment Act* is repealed.

Subsection 2. The re-enactment of section 39 of the *Assessment Act* reflects the change in name to the Assessment Review Board and omits the existing references to an appeal to the county judge.

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An Act to amend Certain Acts in respect of Assessment Appeal Procedures

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to the *Assessment Review Court Act*, being chapter 32 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: *Assessment Review Court Act*, title, re-enacted

ASSESSMENT REVIEW BOARD ACT

2. Where in any general or special Act or in any regulation, reference is made, Amendments to references

(a) to the *Assessment Review Court Act*;

R.S.O. 1980,
c. 32

(b) to the Assessment Review Court; or

(c) to the "Court" or the "court", meaning the Assessment Review Board,

the reference, in the case mentioned in clause (a), shall be deemed to be to the *Assessment Review Board Act* and in the cases mentioned in clauses (b) and (c), to the Assessment Review Board.

- 3.—(1) Clause 1 (i) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980,
c. 31,
s. 1 (i),
repealed
- (2) Section 39 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 7, is repealed and the following substituted therefor: R.S.O. 1980,
c. 31, s. 39,
re-enacted

39.—(1) Any person, including a municipality or a school board, may complain in writing to the Assessment Review Board that he or another person, Complaint to Assessment Review Board

(a) was assessed too high or too low;

(b) was wrongly placed on or omitted from the assessment roll;

(c) was wrongly placed on or omitted from the roll as a public or separate school supporter.

Time for
making
complaint

(2) A complaint shall state a name and address where notices can be given to the complainant and shall be delivered or mailed to the regional registrar of the Assessment Review Board within twenty-one days after the assessment roll is required to be returned or within twenty-one days after the roll is returned, whichever is later.

Where
complaint
concerns
another
person

(3) Where the complaint concerns the assessment of another person,

(a) the complaint shall state a name and address where notices can be given to the person; and

(b) the complainant shall deliver or mail a copy of the complaint to the person within the time limited by subsection (2).

Copy of
complaints
to assessment
commissioner

(4) The regional registrar shall forthwith transmit a copy of all complaints received by him to the assessment commissioner.

Parties

(5) The parties to the proceedings are the assessment commissioner, the municipality, all persons complaining and all persons whose assessment is complained of.

Notice of
hearing

(6) The regional registrar shall give notice of any hearing by the Assessment Review Board to the parties at least fourteen days before the date fixed for the hearing.

Adding party

(7) Where during the hearing it appears that another person should be a party to the hearing, the Board shall add the person as a party and, if necessary, adjourn and give the person notice of the hearing.

Preliminary
explanation

(8) Where value is a ground of complaint that is proceeded with, at the commencement of the hearing the assessor shall explain the manner in which the assessment was arrived at and the complainant shall explain the nature of his complaint.

Time for
determination
of school
support

(9) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the complaint was made.

Correction
of errors

(10) Where it appears during the hearing that there are palpable errors in the assessment roll, if no alteration of assessed

Subsection 3. The amendment makes it clear that a certified copy of the assessment roll is to be received as *prima facie* evidence by any tribunal as well as by any court.

Subsection 4. The sections repealed provided for an appeal to the county judge from the decision of the Assessment Review Court.

Subsection 5. The re-enacted section 47 of the *Assessment Act*, providing for an appeal to the Municipal Board, is restructured to reflect the fact an appeal lies directly to the Municipal Board from the Assessment Review Board. In addition, the automatic right of appeal from the Municipal Board to the Divisional Court on a question of law is removed. There remains however the right to such appeal with leave of the Divisional Court under section 95 of the *Ontario Municipal Board Act*.

values is involved, the Board may correct the roll and, where alteration of assessed values is involved, the Board may extend the time for making complaints and the assessor may be or may be directed by the Board to be the complainant.

(11) After hearing the evidence and the submissions of the parties, the Board shall determine the matter and, in complaints involving value, shall determine the amount of the assessment. Board to make determination

(12) The decision of the Assessment Review Board shall be forwarded by the regional registrar to the clerk of each municipality and the clerk of the municipality shall forthwith, Alteration of roll by clerk

(a) alter the assessment roll in accordance with the decisions of the Board from which no appeal is taken and shall write his name or initials against every alteration, and shall complete the roll by totalling the amounts of the assessments therein and inserting such total; or

(b) where data processing equipment is used and as an alternative to complying with clause (a), cause to be prepared a new assessment roll which shall include all changes that have been made by the Board and from which no appeal is taken and shall initial each entry so changed and shall complete the roll by totalling the amounts of the assessments therein and inserting each total.

(3) Section 41 of the said Act is amended by inserting after "court" in the fourth line "or tribunal". R.S.O. 1980, c. 31, s. 41, amended

(4) Sections 42 to 45 and section 46 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 8, are repealed. R.S.O. 1980, c. 31, ss. 42-46, repealed

(5) Section 47 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 9, is repealed and the following substituted therefor: R.S.O. 1980, c. 31, s. 47, re-enacted

47.—(1) An appeal lies to the Ontario Municipal Board from the decision of the Assessment Review Board under section 39. Appeal to O.M.B.

(2) The party appealing shall, within twenty-one days of the mailing of the decision of the Assessment Review Board, deliver or mail to the regional registrar of the Assessment Review Board a notice of appeal accompanied by the fee prescribed by the Ontario Municipal Board under the *Ontario Municipal Board Act*. Notice of appeal
R.S.O. 1980, c. 347

Delivery of
notice of
appeal

(3) The regional registrar of the Assessment Review Board shall forthwith deliver or mail a copy of the notice of appeal to the other parties.

Material
to be
forwarded
to O.M.B.

(4) The regional registrar shall forward to the Ontario Municipal Board the notice of appeal, the amount of the fee mentioned in subsection (2) and any other material in his possession necessary for the hearing of the appeal.

New trial

(5) The appeal shall be by way of a new trial.

Alteration
in roll as
result of
O.M.B.
decision
or appeal
therefrom

(6) If by the decision of the Ontario Municipal Board or by the decision on an appeal therefrom, it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall, except where an appeal from the decision is commenced, alter the assessment roll to give effect to the decision and shall write his name or initials against every alteration.

R.S.O. 1980,
c. 31, s. 48 (1),
amended

(6) Subsection 48 (1) of the said Act is amended by striking out "Assessment Review Court, county judge or Ontario Municipal Board hearing an appeal under section 43, or the Divisional Court" in the second, third and fourth lines and inserting in lieu thereof "Assessment Review Board, Ontario Municipal Board or court".

R.S.O. 1980,
c. 31, s. 49 (1),
amended

(7) Subsection 49 (1) of the said Act is amended by striking out "Assessment Review Court, county judge" in the second line and in the seventh and eighth lines and inserting in lieu thereof in each instance "Assessment Review Board".

R.S.O. 1980,
c. 31, s. 49 (2),
re-enacted

(8) Subsection 49 (2) of the said Act is repealed and the following substituted therefor:

Decision
re quantum,
etc., final

(2) A decision of the Assessment Review Board or Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act or the *Ontario Municipal Board Act*.

R.S.O. 1980,
c. 347

R.S.O. 1980,
c. 31, s. 49 (3),
amended

(9) Subsection 49 (3) of the said Act is amended by striking out "39, 42 and 47" in the second line and inserting in lieu thereof "39 and 47".

R.S.O. 1980,
c. 31, s. 50 (6),
amended

(10) Subsection 50 (6) of the said Act is amended by striking out "Assessment Review Court, a judge of the county court" in the second and third lines and inserting in lieu thereof "Assessment Review Board" and by striking out "Assessment Review Court, the judge of the county court" in the sixth and

Subsections 6 to 14. Those amendments are consequent on the change in name to the Assessment Review Board, the removal from the appeal process of the county judge, and the removal of an automatic right of appeal to the Divisional Court.

SECTIONS 4 AND 5. The amendments to the *Municipal Act* generally accommodate the change in name of the Assessment Review Court and remove the role of the county judge in the appeal process. Sections 496 and 497 of the *Municipal Act* are concerned with applications for the cancellation, reduction or refund of taxes or for an increase in taxes where gross error has occurred. The amendments to the *Local Improvement Act* similarly reflect the removal of the county judge in appeals from assessments under that Act and provide for appeals directly from the court of revision to the Municipal Board.

seventh lines and inserting in lieu thereof "Assessment Review Board".

- (11) Clauses 51 (b), (c) and (d) of the said Act are repealed and the following substituted therefor:

R.S.O. 1980,
c. 31,
s. 51 (b, c),
re-enacted;
s. 51 (d),
repealed

(b) where a complaint with respect to the assessment is made to the Assessment Review Board, except within the time limited for appealing from the Assessment Review Board to the Ontario Municipal Board; and

(c) where an appeal is made from the decision of the Assessment Review Board to the Ontario Municipal Board, except within fifteen days after the date of the decision of the Ontario Municipal Board,

- (12) Subsection 55 (7) of the said Act is repealed.

R.S.O. 1980,
c. 31, s. 55 (7),
repealed

- (13) Subsection 55 (8) of the said Act is amended by striking out "the judgment of the Divisional Court" in the first and second lines and inserting in lieu thereof "an appeal therefrom".

R.S.O. 1980,
c. 31, s. 55 (8),
amended

- (14) Subsection 65 (1) of the said Act is repealed and the following substituted therefor:

R.S.O. 1980,
c. 31, s. 65 (1),
re-enacted

(1) The Assessment Review Board, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Powers
on appeal

- 4.—(1) Subsection 370 (2) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out "or county judge" in the fourth line.

R.S.O. 1980,
c. 302,
s. 370 (2),
amended

- (2) Subsections 496 (17) to (21) of the said Act are repealed and the following substituted therefor:

R.S.O. 1980,
c. 302,
s. 496 (17, 18),
re-enacted;
s. 496 (19-21),
repealed

(17) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections

Appeal to
O.M.B.

R.S.O. 1980,
c. 31

47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of
Assessment
Review Board
and Municipal
Board

(18) The Assessment Review Board and the Municipal Board have, in respect of hearings under this section, the same powers as the council has under subsection (7).

R.S.O. 1980,
c. 302,
s. 496 (25),
re-enacted

(3) Subsection 496 (25) of the said Act is repealed and the following substituted therefor:

Notice of
decision to
assessment
commissioner

(25) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,
c. 302,
s. 497 (3),
amended

(4) Subsection 497 (3) of the said Act is amended by striking out "subsection (2)" in the sixth line and inserting in lieu thereof "subsection (1)".

R.S.O. 1980,
c. 302,
s. 497 (11-13),
re-enacted;
s. 497 (14-16),
repealed

(5) Subsections 497 (11) to (16) of the said Act are repealed and the following substituted therefor:

Appeal to
O.M.B.

(11) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections 47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of
Assessment
Review Board
and Municipal
Board

(12) The Assessment Review Board and the Municipal Board in dealing with appeals and recommendations under this section have the same powers as the council has under subsection (5).

When
increases
payable

(13) The amount of any increase in taxes is not payable until the time for taking an appeal has expired and is not subject to any penalties applicable to taxes that are overdue or unpaid until the amount is payable.

R.S.O. 1980,
c. 302,
s. 497 (18),
re-enacted

(6) Subsection 497 (18) of the said Act is repealed and the following substituted therefor:

Notice of
decision to
assessment
commissioner

(18) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,
c. 250,
s. 15 (2),
amended

5.—(1) Subsection 15 (2) of the *Local Improvement Act*, being chapter 250 of the Revised Statutes of Ontario, 1980, is amended by striking out "by the judge" in the fourth line and inserting in lieu thereof "on appeal therefrom".

SECTION 6. New section 5a of the *Ontario Municipal Board Act* establishes an Assessment Appeals Division of the Municipal Board to hear those assessment appeals to the Board under the various provisions of the *Assessment Act*, the *Municipal Act* and the *Local Improvement Act* that are referred to. Section 94 of the *Ontario Municipal Board Act* providing for a petition to Cabinet from a Board order is made inapplicable to orders of the Assessment Appeals Division.

SECTION 7. This transitional section provides for the disposition of appeals that have been taken to a county judge before the day this Act comes into force. If a hearing date for the appeal has been fixed the county judge will hear and dispose of it. In other cases, the appeal will be dealt with by the Municipal Board.

(2) Subsection 36 (2) of the said Act is amended by striking out “a county judge” in the first and second lines and inserting in lieu thereof “the Board”. R.S.O. 1980, c. 250, s. 36 (2), amended

(3) Section 51 of the said Act is amended by striking out “to the judge” in the fifth and sixth lines. R.S.O. 1980, c. 250, s. 51, amended

(4) Section 52 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 250, s. 52, re-enacted

52.—(1) The council or owner of a lot specially assessed may, within twenty-one days of the mailing of the decision of the court of revision, appeal to the Board. Appeal to O.M.B.

(2) The Board has the same jurisdiction and powers as are conferred on the court of revision by section 48 and the provisions of section 50 apply where it appears to the Board that any lot not specially assessed ought to be so assessed. Powers of Board

6. The *Ontario Municipal Board Act*, being chapter 347 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: R.S.O. 1980, c. 347, s. 5a, enacted

5a.—(1) There is hereby established a division of the Board to be known as the Assessment Appeals Division. Assessment Appeals Division established

(2) Every member of the Board is a member of the Assessment Appeals Division. Membership

(3) The Lieutenant Governor in Council may appoint persons to the Board to sit exclusively on appeals heard by the Assessment Appeals Division under subsection (4). Appointment by L.G. in C.

(4) The Assessment Appeals Division shall hear and determine all appeals to the Board under, Jurisdiction of Assessment Appeals Division

(a) section 47 of the *Assessment Act*; R.S.O. 1980, c. 31, 302, 250

(b) sections 407, 496 and 497 of the *Municipal Act*;

(c) section 52 of the *Local Improvement Act*; and

(d) subsections 7 (1) and (2) of the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*. 1982, c. . . .

(5) Section 94 does not apply to an order or decision of the Assessment Appeals Division. Non-application of s. 94

7.—(1) Where, before the coming into force of this Act, an appeal has been taken under the *Assessment Act* or the *Municipal Act* Transitional R.S.O. 1980, c. 31, 302, 250

from a decision of the Assessment Review Court to a judge of a county or district court, or under the *Local Improvement Act* from a decision of a court of revision to a judge of a county or district court,

(a) where a date has been fixed for the hearing of the appeal, the appeal shall be heard and determined by the judge; and

(b) where a date has not been fixed for the hearing of the appeal, the appeal shall be heard and determined by the Ontario Municipal Board.

Appeal from
county judge

(2) Where an appeal is heard and determined by a judge of a county or district court under clause (1) (a), an appeal lies from the decision of the judge in the same manner as if this Act had not been passed.

Material
to be
forwarded
to O.M.B.

(3) Where an appeal is to be heard by the Ontario Municipal Board under clause (1) (b),

R.S.O. 1980,
cc. 31, 302,
250

(a) in the case of an appeal under the *Assessment Act* or the *Municipal Act*, the regional registrar of the Assessment Review Board; and

(b) in the case of an appeal under the *Local Improvement Act*, the clerk of the municipality,

shall forward to the Ontario Municipal Board the notice of appeal and any other material in his possession necessary for the hearing of the appeal.

Commence-
ment

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*.

An Act to amend Certain Acts in
respect of Assessment Appeal Procedures

1st Reading

June 8th, 1982

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(*Government Bill*)

BILL 140

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
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THE HON. R. MCMURTRY
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(Reprinted as amended by the Committee of the Whole House)



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The *Municipal Act* contains an appeal system similar to the *Assessment Act*. The Bill amends the *Municipal Act* so that appeals from the Assessment Review Board on applications to reduce or increase taxes will go directly to the Municipal Board. Similarly, the Bill amends the *Local Improvement Act* so that appeals from courts of revision respecting local improvement assessments will go directly to the Municipal Board. In both cases, the Bill removes county court judges from the appeal process.

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(a) alter the assessment roll in accordance with the decisions of the Board from which no appeal is taken and shall write his name or initials against every alteration, and shall complete the roll by totalling the amounts of the assessments therein and inserting such total; or

(b) where data processing equipment is used and as an alternative to complying with clause (a), cause to be prepared a new assessment roll which shall include all changes that have been made by the Board and from which no appeal is taken and shall initial each entry so changed and shall complete the roll by totalling the amounts of the assessments therein and inserting each total.

(3) Section 41 of the said Act is amended by inserting after "court" in the fourth line "or tribunal". R.S.O. 1980, c. 31, s. 41, amended

(4) Sections 42 to 45 and section 46 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 8, are repealed. R.S.O. 1980, c. 31, ss. 42-46, repealed

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(2) The party appealing shall, within twenty-one days of the mailing of the decision of the Assessment Review Board, deliver or mail to the regional registrar of the Assessment Review Board a notice of appeal accompanied by the fee prescribed by the Ontario Municipal Board under the *Ontario Municipal Board Act*. Notice of appeal
R.S.O. 1980, c. 347

- Delivery of notice of appeal (3) The regional registrar of the Assessment Review Board shall forthwith deliver or mail a copy of the notice of appeal to the other parties.
- Material to be forwarded to O.M.B. (4) The regional registrar shall forward to the Ontario Municipal Board the notice of appeal, the amount of the fee mentioned in subsection (2) and any other material in his possession necessary for the hearing of the appeal.
- New trial (5) The appeal shall be by way of a new trial.
- Alteration in roll as result of O.M.B. decision or appeal therefrom (6) If by the decision of the Ontario Municipal Board or by the decision on an appeal therefrom, it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall, except where an appeal from the decision is commenced, alter the assessment roll to give effect to the decision and shall write his name or initials against every alteration.
- R.S.O. 1980, c. 31, s. 48 (1), amended (6) Subsection 48 (1) of the said Act is amended by striking out "Assessment Review Court, county judge or Ontario Municipal Board hearing an appeal under section 43, or the Divisional Court" in the second, third and fourth lines and inserting in lieu thereof "Assessment Review Board, Ontario Municipal Board or court".
- R.S.O. 1980, c. 31, s. 49 (1), amended (7) Subsection 49 (1) of the said Act is amended by striking out "Assessment Review Court, county judge" in the second line and in the seventh and eighth lines and inserting in lieu thereof in each instance "Assessment Review Board".
- R.S.O. 1980, c. 31, s. 49 (2), re-enacted (8) Subsection 49 (2) of the said Act is repealed and the following substituted therefor:
- Decision re quantum, etc., final (2) A decision of the Assessment Review Board or Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act or the *Ontario Municipal Board Act*.
- R.S.O. 1980, c. 347
- R.S.O. 1980, c. 31, s. 49 (3), amended (9) Subsection 49 (3) of the said Act is amended by striking out "39, 42 and 47" in the second line and inserting in lieu thereof "39 and 47".
- R.S.O. 1980, c. 31, s. 50 (6), amended (10) Subsection 50 (6) of the said Act is amended by striking out "Assessment Review Court, a judge of the county court" in the second and third lines and inserting in lieu thereof "Assessment Review Board" and by striking out "Assessment Review Court, the judge of the county court" in the sixth and

Subsections 6 to 14. Those amendments are consequent on the change in name to the Assessment Review Board, the removal from the appeal process of the county judge, and the removal of an automatic right of appeal to the Divisional Court.

SECTIONS 4 AND 5. The amendments to the *Municipal Act* generally accommodate the change in name of the Assessment Review Court and remove the role of the county judge in the appeal process. Sections 496 and 497 of the *Municipal Act* are concerned with applications for the cancellation, reduction or refund of taxes or for an increase in taxes where gross error has occurred. The amendments to the *Local Improvement Act* similarly reflect the removal of the county judge in appeals from assessments under that Act and provide for appeals directly from the court of revision to the Municipal Board.

seventh lines and inserting in lieu thereof "Assessment Review Board".

- (11) Clauses 51 (b), (c) and (d) of the said Act are repealed and the following substituted therefor: R.S.O. 1980,
c. 31,
s. 51 (b, c),
re-enacted;
s. 51 (d),
repealed
- (b) where a complaint with respect to the assessment is made to the Assessment Review Board, except within the time limited for appealing from the Assessment Review Board to the Ontario Municipal Board; and
- (c) where an appeal is made from the decision of the Assessment Review Board to the Ontario Municipal Board, except within fifteen days after the date of the decision of the Ontario Municipal Board,
-
- (12) Subsection 55 (7) of the said Act is repealed. R.S.O. 1980,
c. 31, s. 55 (7),
repealed
- (13) Subsection 55 (8) of the said Act is amended by striking out "the judgment of the Divisional Court" in the first and second lines and inserting in lieu thereof "an appeal therefrom". R.S.O. 1980,
c. 31, s. 55 (8),
amended
- (14) Subsection 65 (1) of the said Act is repealed and the following substituted therefor: R.S.O. 1980,
c. 31, s. 65 (1),
re-enacted
- (1) The Assessment Review Board, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property. Powers
on appeal
- 4.—(1) Subsection 370 (2) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out "or county judge" in the fourth line. R.S.O. 1980,
c. 302,
s. 370 (2),
amended
- (2) Subsections 496 (17) to (21) of the said Act are repealed and the following substituted therefor: R.S.O. 1980,
c. 302,
s. 496 (17, 18),
re-enacted;
s. 496 (19-21),
repealed
- (17) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections Appeal to
O.M.B.

R.S.O. 1980,
c. 31

47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of
Assessment
Review Board
and Municipal
Board

(18) The Assessment Review Board and the Municipal Board have, in respect of hearings under this section, the same powers as the council has under subsection (7).

R.S.O. 1980,
c. 302,
s. 496 (25),
re-enacted

(3) Subsection 496 (25) of the said Act is repealed and the following substituted therefor:

Notice of
decision to
assessment
commissioner

(25) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,
c. 302,
s. 497 (3),
amended

(4) Subsection 497 (3) of the said Act is amended by striking out "subsection (2)" in the sixth line and inserting in lieu thereof "subsection (1)".

R.S.O. 1980,
c. 302,
s. 497 (11-13),
re-enacted;
s. 497 (14-16),
repealed

(5) Subsections 497 (11) to (16) of the said Act are repealed and the following substituted therefor:

Appeal to
O.M.B.

(11) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections 47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of
Assessment
Review Board
and Municipal
Board

(12) The Assessment Review Board and the Municipal Board in dealing with appeals and recommendations under this section have the same powers as the council has under subsection (5).

When
increases
payable

(13) The amount of any increase in taxes is not payable until the time for taking an appeal has expired and is not subject to any penalties applicable to taxes that are overdue or unpaid until the amount is payable.

R.S.O. 1980,
c. 302,
s. 497 (18),
re-enacted

(6) Subsection 497 (18) of the said Act is repealed and the following substituted therefor:

Notice of
decision to
assessment
commissioner

(18) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,
c. 250,
s. 15 (2),
amended

5.—(1) Subsection 15 (2) of the *Local Improvement Act*, being chapter 250 of the Revised Statutes of Ontario, 1980, is amended by striking out "by the judge" in the fourth line and inserting in lieu thereof "on appeal therefrom".

SECTION 6. New section 5a of the *Ontario Municipal Board Act* establishes an Assessment Appeals Division of the Municipal Board to hear those assessment appeals to the Board under the various provisions of the *Assessment Act*, the *Municipal Act* and the *Local Improvement Act* that are referred to. Section 94 of the *Ontario Municipal Board Act* providing for a petition to Cabinet from a Board order is made inapplicable to orders of the Assessment Appeals Division.

SECTION 7. This transitional section provides for the disposition of appeals that have been taken to a county judge before the day this Act comes into force. If a hearing date for the appeal has been fixed the county judge will hear and dispose of it. In other cases, the appeal will be dealt with by the Municipal Board.

(2) Subsection 36 (2) of the said Act is amended by striking out “a county judge” in the first and second lines and inserting in lieu thereof “the Board”. R.S.O. 1980,
c. 250,
s. 36 (2),
amended

(3) Section 51 of the said Act is amended by striking out “to the judge” in the fifth and sixth lines. R.S.O. 1980,
c. 250, s. 51,
amended

(4) Section 52 of the said Act is repealed and the following substituted therefor: R.S.O. 1980,
c. 250, s. 52,
re-enacted

52.—(1) The council or owner of a lot specially assessed may, within twenty-one days of the mailing of the decision of the court of revision, appeal to the Board. Appeal
to O.M.B.

(2) The Board has the same jurisdiction and powers as are conferred on the court of revision by section 48 and the provisions of section 50 apply where it appears to the Board that any lot not specially assessed ought to be so assessed. Powers
of Board

6. The *Ontario Municipal Board Act*, being chapter 347 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: R.S.O. 1980,
c. 347, s. 5a,
enacted

5a.—(1) There is hereby established a division of the Board to be known as the Assessment Appeals Division. Assessment
Appeals
Division
established

(2) Every member of the Board is a member of the Assessment Appeals Division. Membership

(3) The Lieutenant Governor in Council may appoint persons to the Board to sit exclusively on appeals heard by the Assessment Appeals Division under subsection (4). Appointment
by L.G. in C.

(4) The Assessment Appeals Division shall hear and determine all appeals to the Board under, Jurisdiction
of Assessment
Appeals
Division

(a) section 47 of the *Assessment Act*;

R.S.O. 1980,
cc. 31, 302,
250

(b) sections 407, 496 and 497 of the *Municipal Act*;

(c) section 52 of the *Local Improvement Act*; and

(d) subsections 7 (1) and (2) of the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*. 1982, c. . . .

(5) Section 94 does not apply to an order or decision of the Assessment Appeals Division. Non-
application
of s. 94

7.—(1) Where, before the coming into force of this Act, an appeal has been taken under the *Assessment Act* or the *Municipal Act* Transitional
R.S.O. 1980,
cc. 31, 302,
250

from a decision of the Assessment Review Court to a judge of a county or district court, or under the *Local Improvement Act* from a decision of a court of revision to a judge of a county or district court,

- (a) where a date has been fixed for the hearing of the appeal, the appeal shall be heard and determined by the judge; and
- (b) where a date has not been fixed for the hearing of the appeal, the appeal shall be heard and determined by the Ontario Municipal Board.

Appeal from
county judge

- (2) Where an appeal is heard and determined by a judge of a county or district court under clause (1) (a), an appeal lies from the decision of the judge in the same manner as if this Act had not been passed.

Material
to be
forwarded
to O.M.B.

- (3) Where an appeal is to be heard by the Ontario Municipal Board under clause (1) (b),

R.S.O. 1980,
cc. 31, 302,
250

- (a) in the case of an appeal under the *Assessment Act* or the *Municipal Act*, the regional registrar of the Assessment Review Board; and
- (b) in the case of an appeal under the *Local Improvement Act*, the clerk of the municipality,

shall forward to the Ontario Municipal Board the notice of appeal and any other material in his possession necessary for the hearing of the appeal.

Commence-
ment

- 8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 9. The short title of this Act is the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*.

An Act to amend Certain Acts in
respect of Assessment Appeal Procedures

1st Reading

June 8th, 1982

2nd Reading

June 28th, 1982

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Reprinted as amended by the
Committee of the Whole House)

BILL 140

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE PARLIAMENT

**An Act to amend Certain Acts
in respect of Assessment Appeal Procedures**

THE HON. R. MCMURTRY
Attorney General



BILL 140

1982

An Act to amend Certain Acts in respect of Assessment Appeal Procedures

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to the *Assessment Review Court Act*, being chapter 32 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: *Assessment Review Court Act*, title, re-enacted

ASSESSMENT REVIEW BOARD ACT

2. Where in any general or special Act or in any regulation, by-law or instrument, reference is made, Amendments to references

(a) to the *Assessment Review Court Act*;

R.S.O. 1980,
c. 32

(b) to the Assessment Review Court; or

(c) to the "Court" or the "court", meaning the Assessment Review Court,

the reference, in the case mentioned in clause (a), shall be deemed to be to the *Assessment Review Board Act* and in the cases mentioned in clauses (b) and (c), to the Assessment Review Board.

- 3.—(1) Clause 1 (i) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980,
c. 31,
s. 1 (i),
repealed
- (2) Section 39 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 7, is repealed and the following substituted therefor: R.S.O. 1980,
c. 31, s. 39,
re-enacted

39.—(1) Any person, including a municipality or a school board, may complain in writing to the Assessment Review Board that he or another person, Complaint to Assessment Review Board

(a) was assessed too high or too low;

(b) was wrongly placed on or omitted from the assessment roll;

(c) was wrongly placed on or omitted from the roll as a public or separate school supporter.

Time for
making
complaint

(2) A complaint shall state a name and address where notices can be given to the complainant and shall be delivered or mailed to the regional registrar of the Assessment Review Board within twenty-one days after the assessment roll is required to be returned or within twenty-one days after the roll is returned, whichever is later.

Where
complaint
concerns
another
person

(3) Where the complaint concerns the assessment of another person,

(a) the complaint shall state a name and address where notices can be given to the person; and

(b) the complainant shall deliver or mail a copy of the complaint to the person within the time limited by subsection (2).

Copy of
complaints
to assessment
commissioner

(4) The regional registrar shall forthwith transmit a copy of all complaints received by him to the assessment commissioner.

Parties

(5) The parties to the proceedings are the assessment commissioner, the municipality, all persons complaining and all persons whose assessment is complained of.

Notice of
hearing

(6) The regional registrar shall give notice of any hearing by the Assessment Review Board to the parties at least fourteen days before the date fixed for the hearing.

Adding party

(7) Where during the hearing it appears that another person should be a party to the hearing, the Board shall add the person as a party and, if necessary, adjourn and give the person notice of the hearing.

Preliminary
explanation

(8) Where value is a ground of complaint that is proceeded with, at the commencement of the hearing the assessor shall explain the manner in which the assessment was arrived at and the complainant shall explain the nature of his complaint.

Time for
determination
of school
support

(9) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the complaint was made.

Correction
of errors

(10) Where it appears during the hearing that there are palpable errors in the assessment roll, if no alteration of assessed

values is involved, the Board may correct the roll and, where alteration of assessed values is involved, the Board may extend the time for making complaints and the assessor may be or may be directed by the Board to be the complainant.

(11) After hearing the evidence and the submissions of the parties, the Board shall determine the matter and, in complaints involving value, shall determine the amount of the assessment. Board to make determination

(12) The decision of the Assessment Review Board shall be forwarded by the regional registrar to the clerk of each municipality and the clerk of the municipality shall forthwith, Alteration of roll by clerk

(a) alter the assessment roll in accordance with the decisions of the Board from which no appeal is taken and shall write his name or initials against every alteration, and shall complete the roll by totalling the amounts of the assessments therein and inserting such total; or

(b) where data processing equipment is used and as an alternative to complying with clause (a), cause to be prepared a new assessment roll which shall include all changes that have been made by the Board and from which no appeal is taken and shall initial each entry so changed and shall complete the roll by totalling the amounts of the assessments therein and inserting each total.

(3) Section 41 of the said Act is amended by inserting after "court" in the fourth line "or tribunal". R.S.O. 1980, c. 31, s. 41, amended

(4) Sections 42 to 45 and section 46 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 8, are repealed. R.S.O. 1980, c. 31, ss. 42-46, repealed

(5) Section 47 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 9, is repealed and the following substituted therefor: R.S.O. 1980, c. 31, s. 47, re-enacted

47.—(1) An appeal lies to the Ontario Municipal Board from the decision of the Assessment Review Board under section 39. Appeal to O.M.B.

(2) The party appealing shall, within twenty-one days of the mailing of the decision of the Assessment Review Board, deliver or mail to the regional registrar of the Assessment Review Board a notice of appeal accompanied by the fee prescribed by the Ontario Municipal Board under the *Ontario Municipal Board Act*. Notice of appeal R.S.O. 1980, c. 347

Delivery of
notice of
appeal

(3) The regional registrar of the Assessment Review Board shall forthwith deliver or mail a copy of the notice of appeal to the other parties.

Material
to be
forwarded
to O.M.B.

(4) The regional registrar shall forward to the Ontario Municipal Board the notice of appeal, the amount of the fee mentioned in subsection (2) and any other material in his possession necessary for the hearing of the appeal.

New trial

(5) The appeal shall be by way of a new trial.

Alteration
in roll as
result of
O.M.B.
decision
or appeal
therefrom

(6) If by the decision of the Ontario Municipal Board or by the decision on an appeal therefrom, it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall, except where an appeal from the decision is commenced, alter the assessment roll to give effect to the decision and shall write his name or initials against every alteration.

R.S.O. 1980,
c. 31, s. 49 (1),
amended

(6) Subsection 48 (1) of the said Act is amended by striking out "Assessment Review Court, county judge or Ontario Municipal Board hearing an appeal under section 43, or the Divisional Court" in the second, third and fourth lines and inserting in lieu thereof "Assessment Review Board, Ontario Municipal Board or court".

R.S.O. 1980,
c. 31, s. 49 (1),
amended

(7) Subsection 49 (1) of the said Act is amended by striking out "Assessment Review Court, county judge" in the second line and in the seventh and eighth lines and inserting in lieu thereof in each instance "Assessment Review Board".

R.S.O. 1980,
c. 31, s. 49 (2),
re-enacted

(8) Subsection 49 (2) of the said Act is repealed and the following substituted therefor:

Decision
re quantum,
etc., final

(2) A decision of the Assessment Review Board or Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act or the *Ontario Municipal Board Act*.

R.S.O. 1980,
c. 347

R.S.O. 1980,
c. 31, s. 49 (3),
amended

(9) Subsection 49 (3) of the said Act is amended by striking out "39, 42 and 47" in the second line and inserting in lieu thereof "39 and 47".

R.S.O. 1980,
c. 31, s. 50 (6),
amended

(10) Subsection 50 (6) of the said Act is amended by striking out "Assessment Review Court, a judge of the county court" in the second and third lines and inserting in lieu thereof "Assessment Review Board" and by striking out "Assessment Review Court, the judge of the county court" in the sixth and

seventh lines and inserting in lieu thereof "Assessment Review Board".

- (11) Clauses 51 (*b*), (*c*) and (*d*) of the said Act are repealed and the following substituted therefor: R.S.O. 1980,
c. 31,
s. 51 (*b*, *c*),
re-enacted;
s. 51 (*d*),
repealed
- (*b*) where a complaint with respect to the assessment is made to the Assessment Review Board, except within the time limited for appealing from the Assessment Review Board to the Ontario Municipal Board; and
- (*c*) where an appeal is made from the decision of the Assessment Review Board to the Ontario Municipal Board, except within fifteen days after the date of the decision of the Ontario Municipal Board,
-
- (12) Subsection 55 (7) of the said Act is repealed. R.S.O. 1980,
c. 31, s. 55 (7),
repealed
- (13) Subsection 55 (8) of the said Act is amended by striking out "the judgment of the Divisional Court" in the first and second lines and inserting in lieu thereof "an appeal therefrom". R.S.O. 1980,
c. 31, s. 55 (8),
amended
- (14) Subsection 65 (1) of the said Act is repealed and the following substituted therefor: R.S.O. 1980,
c. 31, s. 65 (1),
re-enacted
- (1) The Assessment Review Board, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property. Powers
on appeal
- 4.—(1) Subsection 370 (2) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out "or county judge" in the fourth line. R.S.O. 1980,
c. 302,
s. 370 (2),
amended
- (2) Subsections 496 (17) to (21) of the said Act are repealed and the following substituted therefor: R.S.O. 1980,
c. 302,
s. 496 (17, 18),
re-enacted;
s. 496 (19-21),
repealed
- (17) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections Appeal to
O.M.B.

R.S.O. 1980,
c. 31

47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of
Assessment
Review Board
and Municipal
Board

(18) The Assessment Review Board and the Municipal Board have, in respect of hearings under this section, the same powers as the council has under subsection (7).

R.S.O. 1980,
c. 302,
s. 496 (25),
re-enacted

(3) Subsection 496 (25) of the said Act is repealed and the following substituted therefor:

Notice of
decision to
assessment
commissioner

(25) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,
c. 302,
s. 497 (3),
amended

(4) Subsection 497 (3) of the said Act is amended by striking out "subsection (2)" in the sixth line and inserting in lieu thereof "subsection (1)".

R.S.O. 1980,
c. 302,
s. 497 (11-13),
re-enacted;
s. 497 (14-16),
repealed

(5) Subsections 497 (11) to (16) of the said Act are repealed and the following substituted therefor:

Appeal to
O.M.B.

(11) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections 47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of
Assessment
Review Board
and Municipal
Board

(12) The Assessment Review Board and the Municipal Board in dealing with appeals and recommendations under this section have the same powers as the council has under subsection (5).

When
increases
payable

(13) The amount of any increase in taxes is not payable until the time for taking an appeal has expired and is not subject to any penalties applicable to taxes that are overdue or unpaid until the amount is payable.

R.S.O. 1980,
c. 302,
s. 497 (18),
re-enacted

(6) Subsection 497 (18) of the said Act is repealed and the following substituted therefor:

Notice of
decision to
assessment
commissioner

(18) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,
c. 250,
s. 15 (2),
amended

5.—(1) Subsection 15 (2) of the *Local Improvement Act*, being chapter 250 of the Revised Statutes of Ontario, 1980, is amended by striking out "by the judge" in the fourth line and inserting in lieu thereof "on appeal therefrom".

- (2) Subsection 36 (2) of the said Act is amended by striking out “a county judge” in the first and second lines and inserting in lieu thereof “the Board”. R.S.O. 1980, c. 250, s. 36 (2), amended
- (3) Section 51 of the said Act is amended by striking out “to the judge” in the fifth and sixth lines. R.S.O. 1980, c. 250, s. 51, amended
- (4) Section 52 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 250, s. 52, re-enacted
- 52.—(1) The council or owner of a lot specially assessed may, within twenty-one days of the mailing of the decision of the court of revision, appeal to the Board. Appeal to O.M.B.
- (2) The Board has the same jurisdiction and powers as are conferred on the court of revision by section 48 and the provisions of section 50 apply where it appears to the Board that any lot not specially assessed ought to be so assessed. Powers of Board
6. The *Ontario Municipal Board Act*, being chapter 347 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: R.S.O. 1980, c. 347, s. 5a, enacted
- 5a.—(1) There is hereby established a division of the Board to be known as the Assessment Appeals Division. Assessment Appeals Division established
- (2) Every member of the Board is a member of the Assessment Appeals Division. Membership
- (3) The Lieutenant Governor in Council may appoint persons to the Board to sit exclusively on appeals heard by the Assessment Appeals Division under subsection (4). Appointment by L.G. in C.
- (4) The Assessment Appeals Division shall hear and determine all appeals to the Board under, Jurisdiction of Assessment Appeals Division
- (a) section 47 of the *Assessment Act*; R.S.O. 1980, cc. 31, 302, 250
- (b) sections 407, 496 and 497 of the *Municipal Act*;
- (c) section 52 of the *Local Improvement Act*; and
- (d) subsections 7 (1) and (2) of the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*. 1982, c. . . .
- (5) Section 94 does not apply to an order or decision of the Assessment Appeals Division. Non-application of s. 94
- 7.—(1) Where, before the coming into force of this Act, an appeal has been taken under the *Assessment Act* or the *Municipal Act* Transitional R.S.O. 1980, cc. 31, 302, 250

from a decision of the Assessment Review Court to a judge of a county or district court, or under the *Local Improvement Act* from a decision of a court of revision to a judge of a county or district court,

- (a) where a date has been fixed for the hearing of the appeal, the appeal shall be heard and determined by the judge; and
- (b) where a date has not been fixed for the hearing of the appeal, the appeal shall be heard and determined by the Ontario Municipal Board.

Appeal from
county judge

- (2) Where an appeal is heard and determined by a judge of a county or district court under clause (1) (a), an appeal lies from the decision of the judge in the same manner as if this Act had not been passed.

Material
to be
forwarded
to O.M.B.

- (3) Where an appeal is to be heard by the Ontario Municipal Board under clause (1) (b),

R.S.O. 1980,
cc. 31, 302,
250

- (a) in the case of an appeal under the *Assessment Act* or the *Municipal Act*, the regional registrar of the Assessment Review Board; and

- (b) in the case of an appeal under the *Local Improvement Act*, the clerk of the municipality,

shall forward to the Ontario Municipal Board the notice of appeal and any other material in his possession necessary for the hearing of the appeal.

Commence-
ment

- 8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 9. The short title of this Act is the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*.

An Act to amend Certain Acts in
respect of Assessment Appeal Procedures

1st Reading

June 8th, 1982

2nd Reading

June 28th, 1982

3rd Reading

June 29th, 1982

THE HON. R. MCMURTRY
Attorney General

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BILL 141

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act respecting the
Public Accountability of Ontario Hydro

Mr. REED



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to provide a means of clarifying the functions and duties of Ontario Hydro related to the production, generation, transmission, distribution, supply, sale, use and development of energy resources in Ontario. The Bill requires the Minister of Energy on behalf of the Government of Ontario to issue a policy directive setting out the policy framework within which Ontario Hydro is to make operational and management decisions. The *Power Corporation Act* is amended to clarify that it is a responsibility of the Board of Ontario Hydro to ensure that the business of Ontario Hydro is conducted within the limits established by the policy directive issued by the Minister of Energy.

BILL 141

1982

An Act respecting the Public Accountability of Ontario Hydro

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

Ministry of Energy Act

1. The *Ministry of Energy Act*, being chapter 277 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

8a.—(1) On or before the 1st day of January, 1983, the Minister shall issue on behalf of the Government of Ontario a comprehensive policy directive in the form of a statement setting out the policy framework in respect of the production, generation, transmission, distribution, supply, sale, use and development of energy resources in Ontario within which Ontario Hydro formulates operational and management decisions, and, without limiting the generality of the foregoing, the policy directive shall contain,

- (a) a statement of the respective duties and functions of the Government of Ontario and Ontario Hydro in relation to energy matters;
- (b) a specification of the policy objectives of the Government of Ontario in relation to energy matters;
- (c) a specification of the financial objectives of Ontario Hydro;
- (d) a specification of the limitations that may be imposed upon the operations of Ontario Hydro by the Government of Ontario and the conditions under which these limitations may be imposed;

- (e) a description of the future operations to be conducted by Ontario Hydro in order to fulfil its responsibilities and assist in achieving the policy objectives established by the Government of Ontario, including an estimate of the extent to which these operations will require financial assistance from the Government of Ontario.

Amendments,
revision

- (2) The policy directive shall be amended or revised from time to time to reflect any change in the policy of the Government of Ontario concerning the matters referred to in subsection (1).

Tabling of
directive in
Assembly

- (3) The Minister shall lay the policy directive and every amendment or revised policy directive before the Assembly if it is in session, or, if not, at the commencement of the next ensuing session.

PART II

Power Corporation Act

s. 4 (1),
re-enacted

2. Subsection 4 (1) of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Powers of
Board

- (1) The business and affairs of the Corporation are under the direction and control of the Board subject to any policy directive of the Minister of Energy issued on behalf of the Government of Ontario and the chairman shall preside at all meetings of the Board.

s. 56,
re-enacted

3. Section 56 of the said Act is repealed and the following substituted therefor:

Business of
Corporation

56. The purposes and business of the Corporation include the generation, transmission, distribution, supply, sale and use of power, and, subject to,

- (a) the provisions of policy directives of the Ministry of Energy issued on behalf of the Government of Ontario; and
- (b) the prior authority of the Lieutenant Governor in Council in the exercise of certain powers where required under this Act,

the Corporation has power and authority to do all such things as in its opinion are necessary, usual or incidental to the furtherance of such purposes and to the carrying on of its business.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Ontario Hydro Accountability Act*, 1982.

An Act respecting the
Public Accountability of Ontario Hydro

1st Reading

June 10th, 1982

2nd Reading

3rd Reading

MR. REED

(Private Member's Bill)

27N
56

BILL 142

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

HEALTH ACT

An Act to protect the Health of Pupils in Schools

THE HON. L. GROSSMAN
Minister of Health



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The Bill relates immunization of children against certain diseases to attendance at school.

Provision is made for exemption upon medical or religious grounds.

The diseases referred to are:

1. Diphtheria.
2. Measles.
3. Mumps.
4. Poliomyelitis.
5. Rubella.
6. Tetanus.

Section 3 of the Bill authorizes a medical officer of health to require the suspension of a pupil who has not been immunized against the designated diseases and has not commenced the prescribed immunization program, unless the medical officer of health has received a statement of medical exemption or a statement of religious belief.

Section 4 states that the period of suspension under section 3 is twenty school days.

Section 5 requires service of a copy of the order upon a parent of the pupil and requires written reasons for the order.

Section 6 provides for rescission of an order made under section 3.

Section 7 provides for the physician's statement of immunization.

Section 8 requires medical officers of health to maintain and review records of immunization.

Section 9 authorizes a medical officer of health to order the exclusion of a pupil from a school when the pupil has not been fully immunized against a disease and the medical officer of health is of the opinion, upon reasonable and probable grounds, that there is an outbreak or an immediate risk of an outbreak of the disease.

Section 10 states that a medical officer of health is not required to hold a hearing or receive submissions before making an order under the Act. Hearings and appeals are provided for in sections 12 and 13.

Section 11 provides for the transfer of the record of immunization when a pupil transfers from a school in an area served by one medical officer of health to a school in an area served by another medical officer of health.

Sections 12 and 13 provide for hearings and appeals in respect of orders by medical officers of health under the Bill. Section 12 provides that an order by a medical officer of health under this Act takes effect when it is served, notwithstanding that a hearing is required.

Section 14 provides for the making of regulations and section 15 provides for service of documents.

BILL 142

1982

An Act to protect the Health of Pupils in Schools

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Board” means the Health Facilities Appeal Board under the *Ambulance Act*;

R.S.O. 1980,
c. 20
- (b) “board” means a “board” as defined in the *Education Act*;

R.S.O. 1980,
c. 129
- (c) “designated diseases” means diphtheria, measles, mumps, poliomyelitis, rubella and tetanus;
- (d) “immunization record” means a record of immunization maintained by a medical officer of health under this Act;
- (e) “medical officer of health” means “medical officer of health” as defined in the *Public Health Act*;

R.S.O. 1980,
c. 409
- (f) “parent” includes an individual or a corporation that has the responsibilities of a parent;
- (g) “person” includes a board;
- (h) “physician” means legally qualified medical practitioner;
- (i) “prescribed” means prescribed by the regulations;
- (j) “pupil” means a pupil who is a minor;
- (k) “regulations” means regulations made under this Act;

R.S.O. 1980,
c. 129

- (l) “school” means a “private school” and a “school” as defined in the *Education Act* and includes a kindergarten, a junior kindergarten and a beginners class within the meaning of the *Education Act*;
- (m) “school day” means “school day” as defined in the *Education Act*;
- (n) “statement of medical exemption” means a statement in the prescribed form signed by a physician stating that the prescribed program of immunization in relation to a designated disease or designated diseases,
 - (i) may be detrimental to the health of the person named in the statement, or
 - (ii) is unnecessary in respect of the person named in the statement by reason of past infection or laboratory evidence of immunity;
- (o) “statement of religious belief” means a statement in the prescribed form signed by a parent of the person named in the statement that immunization conflicts with the tenets and practices of the religious denomination of which the parent is an adherent or a member.

Purpose
of Act

2. The purpose of this Act is to increase the protection of the health of children against the diseases that are designated diseases under this Act.

Order for
suspension re
designated
diseases

3.—(1) A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person who operates a school in the area served by the medical officer of health to suspend from attendance at the school a pupil named in the order.

Grounds for
order re
designated
diseases

(2) The circumstances mentioned in subsection (1) are,

- (a) that the medical officer of health has not received,
 - (i) a statement signed by a physician showing that the pupil has completed the prescribed program of immunization in relation to the designated diseases,
 - (ii) a statement of medical exemption in respect of the pupil or, where the medical officer of health has received a statement of medical exemption, the effective time period specified in the statement has expired and the medical officer of

health has not received a further statement of medical exemption, or

(iii) a statement of religious belief in respect of the pupil; and

(b) that the medical officer of health is not satisfied that the pupil has completed, has commenced and will complete or will commence and complete the prescribed program of immunization in relation to the designated diseases.

4. A suspension under an order by a medical officer of health under section 3 is for a period of twenty school days. Term of suspension

5.—(1) A medical officer of health who makes an order under section 3 shall serve a copy of the order upon a parent of the pupil. Service of copy of order upon parent

(2) An order under section 3 is not valid unless written reasons for the order are included in or attached to the order. Written reasons

(3) A medical officer of health may make orders under section 3 from time to time in respect of a pupil where the circumstances specified in the section for making the order continue to exist. Repeated orders

6. A medical officer of health who has made an order under section 3 shall rescind the order where the circumstances for making the order no longer exist. Rescission of order

7. Every physician who administers an immunizing agent to a child in relation to a designated disease shall furnish to a parent of the child a statement signed by the physician showing that the physician has administered the immunizing agent to the child. Statement by physician

8.—(1) Every medical officer of health shall maintain a record of immunization in the form and containing the information prescribed by the regulations in respect of each pupil attending school in the area served by the medical officer of health. Record of immunization

(2) A medical officer of health shall keep under review the immunization record maintained by the medical officer of health in respect of a pupil who has not completed the prescribed program of immunization in relation to the designated diseases. Review of record

9.—(1) A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person who operates a school located in the health unit served by the medical officer of health to exclude from the school a pupil named in the order. Order by M.O.H.

Grounds
for order

(2) The circumstances mentioned in subsection (1) are,

- (a) that the medical officer of health is of the opinion, upon reasonable and probable grounds, that there is an outbreak or an immediate risk of an outbreak of a designated disease in the school at which the pupil attends; and
- (b) that the medical officer of health has not received,
 - (i) a statement of immunization signed by a physician showing, or is not otherwise satisfied, that the pupil has completed the prescribed program of immunization in relation to the designated disease, or
 - (ii) a statement of medical exemption in the prescribed form signed by a physician stating that the prescribed program of immunization in relation to the designated disease is unnecessary in respect of the pupil by reason of past infection or laboratory evidence of immunity.

Term of
order

(3) An order under subsection (1) remains in force until rescinded in writing by the medical officer of health.

Rescission
of order

(4) A medical officer of health who makes an order under subsection (1) shall rescind the order as soon as the medical officer of health is satisfied that the outbreak or the immediate risk of the outbreak of the designated disease has ended.

Service
of copy
of order

(5) The medical officer of health shall serve a copy of the order under subsection (1) upon a parent of the pupil and, where the pupil is sixteen or seventeen years of age, upon the pupil.

Service of
copy of
rescinding
order

(6) The medical officer of health shall serve a rescinding order made under subsection (4) upon the person who operates the school and shall serve a copy of the order upon a parent of the pupil and, where the pupil is sixteen or seventeen years of age, upon the pupil.

Written
reasons

(7) An order under subsection (1) shall include written reasons for the making of the order.

Hearing and
submissions

10. A medical officer of health need not hold or afford to any person an opportunity for a hearing or afford to any person an opportunity to make submissions before making an order under this Act.

11.—(1) Where a pupil transfers from a school, the person who operates the school shall give notice of the transfer in the prescribed form to the medical officer of health serving the area in which the school is located. Notice of transfer of pupil

(2) Where the notice under subsection (1) states that the pupil is transferring to a school in an area under the jurisdiction of another medical officer of health, the medical officer of health shall send a copy of the immunization record of the pupil to the other medical officer of health. Transmittal of copy of immunization record

12.—(1) Where a medical officer of health makes an order under this Act requiring the suspension of a pupil or requiring that a pupil be excluded from a school due to an outbreak or an immediate risk of an outbreak of a designated disease, the medical officer of health shall serve upon a parent of the pupil or, where the pupil is sixteen or seventeen years of age, upon the pupil a notice of entitlement to a hearing. Notice

(2) A notice under subsection (1) shall inform the parent or pupil, as the case may be, that the parent or pupil is entitled to a hearing by the Board if the parent or pupil mails or delivers to the medical officer of health, to the Board and to the person who operates the school, within fifteen days after the notice is served on the parent or pupil, notice in writing requiring a hearing and the parent or pupil may so require such a hearing. Idem

(3) Where a hearing by the Board is required in accordance with this section, the medical officer of health shall afford to the parent or pupil requiring the hearing a reasonable opportunity before the hearing, Opportunity to show compliance and to examine documents

(a) to show or to achieve compliance with all lawful requirements concerning the subject-matter of the hearing; and

(b) to examine any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Where a hearing is required in accordance with this section, the Board shall appoint a time and place for and hold the hearing and the Board by order may confirm, alter or rescind the decision or order of the medical officer of health and for such purposes the Board may substitute its finding for that of the medical officer of health. Powers of Board where hearing

(5) The medical officer of health, the parent or pupil who has required the hearing and such other persons as the Board may specify are parties to the proceedings before the Board. Parties

Effect of
order

(6) Notwithstanding that a hearing is required in accordance with this section, an order under this Act by a medical officer of health takes effect when it is served on the person to whom it is directed.

Members
holding
hearing not to
have taken
part in
investigation,
etc.

(7) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording
of
evidence

(8) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

(9) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

R.S.O. 1980,
c. 484

Only
members at
hearing to
participate
in decision

(10) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(11) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

13.—(1) Any party to the proceedings before the Board under this Act may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Record to
be filed in
court

(2) Where any party appeals from a decision or order of the Board under this Act, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the

decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order that is the subject of the appeal and to substitute its findings for that of the person who made the order as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

14. The Lieutenant Governor in Council may make regula- Regulations
tions,

- (a) prescribing any matter referred to in this Act as prescribed by the regulations;
- (b) prescribing forms and providing for their use;
- (c) governing the custody, recording, inspection and destruction of records in respect of immunizations in relation to designated diseases;
- (d) prescribing programs of immunization in respect of designated diseases, including specifying immunizing agents and the number and timing of dosages of immunizing agents;
- (e) classifying children, pupils or persons and exempting any such class from any provision of this Act or the regulations and prescribing conditions to which such exemption shall be subject;
- (f) requiring and governing reports by persons who operate schools to medical officers of health in respect of records and documentation related to the immunization of children applying for admission to the schools and pupils and former pupils in the schools;
- (g) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

15.—(1) Any notice, order or other document under this Act ^{Service} or the regulations is sufficiently given, served or delivered if delivered personally or sent by ordinary mail addressed to the person to whom it is to be given, served or delivered at his last known address.

(2) A notice, order or other document sent by ordinary mail in ^{When service} accordance with subsection (1) shall be deemed to be given, ^{deemed made} served or delivered on the seventh day after the day of mailing,

unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *Immunization of School Pupils Act, 1982*.

An Act to protect the
Health of Pupils in Schools

1st Reading

June 11th, 1982

2nd Reading

3rd Reading

THE HON. L. GROSSMAN
Minister of Health

(*Government Bill*)

BILL 142

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to protect the Health of Pupils in Schools

THE HON. L. GROSSMAN
Minister of Health



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 142

1982

An Act to protect the Health of Pupils in Schools

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Board” means the Health Facilities Appeal Board under the *Ambulance Act*; R.S.O. 1980,
c. 20
- (b) “board” means a “board” as defined in the *Education Act*; R.S.O. 1980,
c. 129
- (c) “designated diseases” means diphtheria, measles, mumps, poliomyelitis, rubella and tetanus;
- (d) “immunization record” means a record of immunization maintained by a medical officer of health under this Act;
- (e) “medical officer of health” means “medical officer of health” as defined in the *Public Health Act*; R.S.O. 1980,
c. 409
- (f) “parent” includes an individual or a corporation that has the responsibilities of a parent;
- (g) “person” includes a board;
- (h) “physician” means legally qualified medical practitioner;
- (i) “prescribed” means prescribed by the regulations;
- (j) “pupil” means a pupil who is a minor;
- (k) “regulations” means regulations made under this Act;

R.S.O. 1980,
c. 129

- (l) “school” means a “private school” and a “school” as defined in the *Education Act* and includes a kindergarten, a junior kindergarten and a beginners class within the meaning of the *Education Act*;
- (m) “school day” means “school day” as defined in the *Education Act*;
- (n) “statement of medical exemption” means a statement in the prescribed form signed by a physician stating that the prescribed program of immunization in relation to a designated disease or designated diseases,
 - (i) may be detrimental to the health of the person named in the statement, or
 - (ii) is unnecessary in respect of the person named in the statement by reason of past infection or laboratory evidence of immunity;
- (o) “statement of religious belief” means a statement in the prescribed form signed by a parent of the person named in the statement that immunization conflicts with the tenets and practices of the religious denomination of which the parent is an adherent or a member.

Purpose
of Act

2. The purpose of this Act is to increase the protection of the health of children against the diseases that are designated diseases under this Act.

Order for
suspension re
designated
diseases

3.—(1) A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person who operates a school in the area served by the medical officer of health to suspend from attendance at the school a pupil named in the order.

Grounds for
order re
designated
diseases

(2) The circumstances mentioned in subsection (1) are,

- (a) that the medical officer of health has not received,
 - (i) a statement signed by a physician showing that the pupil has completed the prescribed program of immunization in relation to the designated diseases,
 - (ii) a statement of medical exemption in respect of the pupil or, where the medical officer of health has received a statement of medical exemption, the effective time period specified in the statement has expired and the medical officer of

health has not received a further statement of medical exemption, or

(iii) a statement of religious belief in respect of the pupil; and

(b) that the medical officer of health is not satisfied that the pupil has completed, has commenced and will complete or will commence and complete the prescribed program of immunization in relation to the designated diseases.

4. A suspension under an order by a medical officer of health under section 3 is for a period of twenty school days. Term of suspension

5.—(1) A medical officer of health who makes an order under section 3 shall serve a copy of the order upon a parent of the pupil. Service of copy of order upon parent

(2) An order under section 3 is not valid unless written reasons for the order are included in or attached to the order. Written reasons

(3) A medical officer of health may make orders under section 3 from time to time in respect of a pupil where the circumstances specified in the section for making the order continue to exist. Repeated orders

6. A medical officer of health who has made an order under section 3 shall rescind the order where the circumstances for making the order no longer exist. Rescission of order

7. Every physician who administers an immunizing agent to a child in relation to a designated disease shall furnish to a parent of the child a statement signed by the physician showing that the physician has administered the immunizing agent to the child. Statement by physician

8.—(1) Every medical officer of health shall maintain a record of immunization in the form and containing the information prescribed by the regulations in respect of each pupil attending school in the area served by the medical officer of health. Record of immunization

(2) A medical officer of health shall keep under review the immunization record maintained by the medical officer of health in respect of a pupil who has not completed the prescribed program of immunization in relation to the designated diseases. Review of record

9.—(1) A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person who operates a school located in the health unit served by the medical officer of health to exclude from the school a pupil named in the order. Order by M.O.H.

Grounds
for order

(2) The circumstances mentioned in subsection (1) are,

- (a) that the medical officer of health is of the opinion, upon reasonable and probable grounds, that there is an outbreak or an immediate risk of an outbreak of a designated disease in the school at which the pupil attends; and
- (b) that the medical officer of health has not received,
 - (i) a statement of immunization signed by a physician showing, or is not otherwise satisfied, that the pupil has completed the prescribed program of immunization in relation to the designated disease, or
 - (ii) a statement of medical exemption in the prescribed form signed by a physician stating that the prescribed program of immunization in relation to the designated disease is unnecessary in respect of the pupil by reason of past infection or laboratory evidence of immunity.

Term of
order

(3) An order under subsection (1) remains in force until rescinded in writing by the medical officer of health.

Rescission
of order

(4) A medical officer of health who makes an order under subsection (1) shall rescind the order as soon as the medical officer of health is satisfied that the outbreak or the immediate risk of the outbreak of the designated disease has ended.

Service
of copy
of order

(5) The medical officer of health shall serve a copy of the order under subsection (1) upon a parent of the pupil and, where the pupil is sixteen or seventeen years of age, upon the pupil.

Service of
copy of
rescinding
order

(6) The medical officer of health shall serve a rescinding order made under subsection (4) upon the person who operates the school and shall serve a copy of the order upon a parent of the pupil and, where the pupil is sixteen or seventeen years of age, upon the pupil.

Written
reasons

(7) An order under subsection (1) shall include written reasons for the making of the order.

Hearing and
submissions

10. A medical officer of health need not hold or afford to any person an opportunity for a hearing or afford to any person an opportunity to make submissions before making an order under this Act.

11.—(1) Where a pupil transfers from a school, the person who operates the school shall give notice of the transfer in the prescribed form to the medical officer of health serving the area in which the school is located. Notice of transfer of pupil

(2) Where the notice under subsection (1) states that the pupil is transferring to a school in an area under the jurisdiction of another medical officer of health, the medical officer of health shall send a copy of the immunization record of the pupil to the other medical officer of health. Transmittal of copy of immunization record

12.—(1) Where a medical officer of health makes an order under this Act requiring the suspension of a pupil or requiring that a pupil be excluded from a school due to an outbreak or an immediate risk of an outbreak of a designated disease, the medical officer of health shall serve upon a parent of the pupil or, where the pupil is sixteen or seventeen years of age, upon the pupil a notice of entitlement to a hearing. Notice

(2) A notice under subsection (1) shall inform the parent or pupil, as the case may be, that the parent or pupil is entitled to a hearing by the Board if the parent or pupil mails or delivers to the medical officer of health, to the Board and to the person who operates the school, within fifteen days after the notice is served on the parent or pupil, notice in writing requiring a hearing and the parent or pupil may so require such a hearing. Idem

(3) Where a hearing by the Board is required in accordance with this section, the medical officer of health shall afford to the parent or pupil requiring the hearing a reasonable opportunity before the hearing, Opportunity to show compliance and to examine documents

(a) to show or to achieve compliance with all lawful requirements concerning the subject-matter of the hearing; and

(b) to examine any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Where a hearing is required in accordance with this section, the Board shall appoint a time and place for and hold the hearing and the Board by order may confirm, alter or rescind the decision or order of the medical officer of health and for such purposes the Board may substitute its finding for that of the medical officer of health. Powers of Board where hearing

(5) The medical officer of health, the parent or pupil who has required the hearing and such other persons as the Board may specify are parties to the proceedings before the Board. Parties

Effect of
order

(6) Notwithstanding that a hearing is required in accordance with this section, an order under this Act by a medical officer of health takes effect when it is served on the person to whom it is directed.

Members
holding
hearing not to
have taken
part in
investigation,
etc.

(7) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording
of
evidence

(8) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

R.S.O. 1980,
c. 484

(9) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Only
members at
hearing to
participate
in decision

(10) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(11) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

13.—(1) Any party to the proceedings before the Board under this Act may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Record to
be filed in
court

(2) Where any party appeals from a decision or order of the Board under this Act, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the

decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order that is the subject of the appeal and to substitute its findings for that of the person who made the order as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

14. The Lieutenant Governor in Council may make regula- ^{Regulations}
tions,

- (a) prescribing any matter referred to in this Act as prescribed by the regulations;
- (b) prescribing forms and providing for their use;
- (c) governing the custody, recording, inspection and destruction of records in respect of immunizations in relation to designated diseases;
- (d) prescribing programs of immunization in respect of designated diseases, including specifying immunizing agents and the number and timing of dosages of immunizing agents;
- (e) classifying children, pupils or persons and exempting any such class from any provision of this Act or the regulations and prescribing conditions to which such exemption shall be subject;
- (f) requiring and governing reports by persons who operate schools to medical officers of health in respect of records and documentation related to the immunization of children applying for admission to the schools and pupils and former pupils in the schools;
- (g) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

15.—(1) Any notice, order or other document under this Act ^{Service}
or the regulations is sufficiently given, served or delivered if delivered personally or sent by ordinary mail addressed to the person to whom it is to be given, served or delivered at his last known address.

(2) A notice, order or other document sent by ordinary mail in <sup>When service
deemed made</sup>
accordance with subsection (1) shall be deemed to be given, served or delivered on the seventh day after the day of mailing,

unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *Immunization of School Pupils Act, 1982*.

An Act to protect the
Health of Pupils in Schools

1st Reading

June 11th, 1982

2nd Reading

June 29th, 1982

3rd Reading

June 29th, 1982

THE HON. L. GROSSMAN
Minister of Health

BILL 143

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Operating Engineers Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



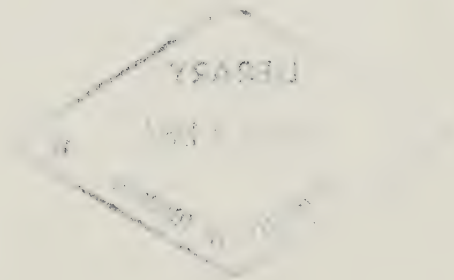
TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purposes of the Bill are as follows:

1. The Act will no longer apply to operators of hoisting plants and steam hoisting plants. It is proposed to transfer control of plant operators to the *Apprenticeship and Tradesmen's Qualification Act*.
2. Reference to the Board of Examiners is being deleted. The Board's function of issuing, cancelling and suspending certificates of qualification will be fulfilled by the chief officer.
3. The maximum penalty for an offence under the Act is being increased from \$1,000 to \$10,000.
4. There are some minor housekeeping changes to clarify intent.



BILL 143

1982

An Act to amend the Operating Engineers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraphs 1 and 9 of section 1 of the *Operating Engineers Act*, being chapter 363 of the Revised Statutes of Ontario, 1980, are repealed. s. 1,
pars. 1, 9,
repealed
- (2) Paragraph 14 of the said section 1 is amended by striking out “or a hoisting plant, steam hoisting plant” in the fourth and fifth lines. s. 1, par. 14,
amended
- (3) Paragraph 16 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 16,
re-enacted
 16. “pressure vessel” means a vessel that is heated or its contents are heated by,
 - i. a flame or the hot gases of combustion,
 - ii. electricity, or
 - iii. a liquid.
- (4) Paragraph 24 of the said section 1 is repealed. s. 1, par. 24,
repealed
2. Clauses 2 (c), (d), (e) and (i) of the said Act are repealed. s. 2
(c, d, e, i),
repealed
3. Subsection 3 (1) of the said Act is repealed and the following substituted therefor: s. 3 (1),
re-enacted
 - (1) There shall be appointed a chief officer and such inspectors as are necessary to administer and enforce this Act and the regulations and such persons shall be subject to the direction and control of the Minister. Chief
officer and
inspectors
4. Section 4 of the said Act is repealed. s. 4,
repealed

s. 7 (1),
re-enacted;
s. 7 (3),
repealed

Certificates
of registration

- 5.** Subsections 7 (1) and (3) of the said Act are repealed and the following substituted therefor:

(1) The chief officer, upon receiving an application and payment of the fee, shall issue to the user of a plant a certificate of registration.

s. 8 (2),
repealed

- 6.** Subsection 8 (2) of the said Act is repealed.

s. 9,
re-enacted

- 7.** Section 9 of the said Act is repealed and the following substituted therefor:

Registration

9. Where the setting of a safety valve or Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of the change and where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration together with the prescribed plant registration application form and the prescribed fee, whereupon the chief officer shall issue a new certificate of registration for the plant.

s. 15 (1),
pars. 3, 4,
repealed

- 8.** Paragraphs 3 and 4 of subsection 15 (1) of the said Act are repealed.

s. 16 (8, 9),
repealed

- 9.—(1)** Subsections 16 (8) and (9) of the said Act are repealed.

s. 16 (10),
amended

(2) Subsection 16 (10) of the said Act is amended by striking out “or of a steam hoisting engineer” in the second line.

s. 20,
re-enacted

- 10.** Section 20 of the said Act is repealed and the following substituted therefor:

Temporary
absences

20. While a plant is in operation, an operating engineer or an operator qualified to be in charge of the plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where the plant is not enclosed, he shall be present in its immediate vicinity,

(a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence; or

(b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely.

s. 22 (1),
amended

- 11.** Subsection 22 (1) of the said Act is amended by striking out “Board” in the first, third and sixth lines and inserting in lieu thereof in each instance “chief officer”.

- 12.**—(1) Section 24 of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 24, amended
- (2) Clause 24 (*k*) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 24 (*k*), amended
- 13.** Subsections 25 (1), (3), (4), (5) and (7) of the said Act are amended by striking out “Board” wherever it occurs and inserting in lieu thereof in each instance “chief officer”. s. 25 (1, 3, 4, 5, 7), amended
- 14.** Subsection 26 (1) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 26 (1), amended
- 15.** Subsection 27 (4) of the said Act is amended by striking out “Board” in the fourth and seventh lines and inserting in lieu thereof in each instance “chief officer”. s. 27 (4), amended
- 16.** Section 30 of the said Act is repealed and the following substituted therefor: s. 30, re-enacted
30. Every operating engineer or operator shall display conspicuously his certificate of qualification in the engine room, compressor room or boiler room of the plant in which the operating engineer or operator works. Posting of certificates
- 17.** Subsection 35 (1) of the said Act is repealed and the following substituted therefor: s. 35 (1), re-enacted
- (1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, fails to comply with an order of an inspector or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. Offences
- 18.** Clauses 37 (*a*) and (*e*) of the said Act are repealed and the following substituted therefor: s. 37 (*a*, *e*), re-enacted
- (*a*) prescribing the qualifications of inspectors;
-
- (*e*) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the chief officer.
- 19.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

Short title

20. The short title of this Act is the *Operating Engineers Amendment Act, 1982*.

An Act to amend
the Operating Engineers Act

1st Reading

June 11th, 1982

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 143

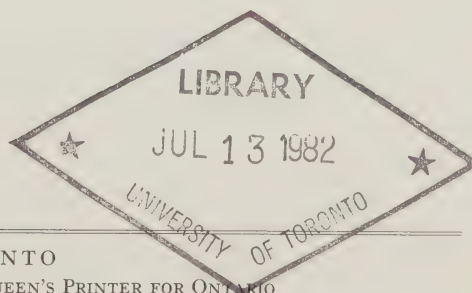
Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Operating Engineers Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)



TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purposes of the Bill are as follows:

1. The Act will no longer apply to operators of hoisting plants and steam hoisting plants. It is proposed to transfer control of plant operators to the *Apprenticeship and Tradesmen's Qualification Act*.
2. Reference to the Board of Examiners is being deleted. The Board's function of issuing, cancelling and suspending certificates of qualification will be fulfilled by the chief officer.
3. The maximum penalty for an offence under the Act is being increased from \$1,000 to \$10,000.
4. There are some minor housekeeping changes to clarify intent.

An Act to amend the Operating Engineers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraphs 1 and 9 of section 1 of the *Operating Engineers Act*, being chapter 363 of the Revised Statutes of Ontario, 1980, are repealed. s. 1,
pars. 1, 9,
repealed
- (2) Paragraph 14 of the said section 1 is amended by striking out “or a hoisting plant, steam hoisting plant” in the fourth and fifth lines. s. 1, par. 14,
amended
- (3) Paragraph 16 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 16,
re-enacted
 16. “pressure vessel” means a vessel that is heated or its contents are heated by,
 - i. a flame or the hot gases of combustion,
 - ii. electricity, or
 - iii. a liquid.
- (4) Paragraph 24 of the said section 1 is repealed. s. 1, par. 24,
repealed
2. Clauses 2 (c), (d), (e) and (i) of the said Act are repealed. s. 2
(c, d, e, i),
repealed
3. Subsection 3 (1) of the said Act is repealed and the following substituted therefor: s. 3 (1),
re-enacted
 - (1) There shall be appointed a chief officer and such inspectors as are necessary to administer and enforce this Act and the regulations and such persons shall be subject to the direction and control of the Minister. Chief
officer and
inspectors
4. Section 4 of the said Act is repealed. s. 4,
repealed

s. 7 (1),
re-enacted;
s. 7 (3),
repealed

Certificates
of registration

s. 8 (2),
repealed

s. 9,
re-enacted

Registration

s. 15 (1),
pars. 3, 4,
repealed

s. 16 (8, 9),
repealed

s. 16 (10),
amended

s. 20,
re-enacted

Temporary
absences

s. 22 (1),
amended

- 5.** Subsections 7 (1) and (3) of the said Act are repealed and the following substituted therefor:

(1) The chief officer, upon receiving an application and payment of the fee, shall issue to the user of a plant a certificate of registration.

- 6.** Subsection 8 (2) of the said Act is repealed.

- 7.** Section 9 of the said Act is repealed and the following substituted therefor:

9. Where the setting of a safety valve or Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of the change and where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration together with the prescribed plant registration application form and the prescribed fee, whereupon the chief officer shall issue a new certificate of registration for the plant.

- 8.** Paragraphs 3 and 4 of subsection 15 (1) of the said Act are repealed.

- 9.—**(1) Subsections 16 (8) and (9) of the said Act are repealed.

(2) Subsection 16 (10) of the said Act is amended by striking out "or of a steam hoisting engineer" in the second line.

- 10.** Section 20 of the said Act is repealed and the following substituted therefor:

20. While a plant is in operation, an operating engineer or an operator qualified to be in charge of the plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where the plant is not enclosed, he shall be present in its immediate vicinity,

(a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence; or

(b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely.

- 11.** Subsection 22 (1) of the said Act is amended by striking out "Board" in the first, third and sixth lines and inserting in lieu thereof in each instance "chief officer".

12.—(1) Subsection 23 (1) of the said Act is amended by striking out “Board” in the first line and in the fourth line and inserting in lieu thereof in each instance “chief officer”. s. 23 (1), amended

(2) Subsection 23 (2) of the said Act is amended by striking out “Board” in the third line and inserting in lieu thereof “chief officer”. s. 23 (2), amended

13.—(1) Section 24 of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 24, amended

(2) Clause 24 (*k*) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 24 (*k*), amended

14. Subsections 25 (1), (3), (4), (5) and (7) of the said Act are amended by striking out “Board” wherever it occurs and inserting in lieu thereof in each instance “chief officer”. s. 25 (1, 3, 4, 5, 7), amended

15. Subsection 26 (1) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 26 (1), amended

16. Subsection 27 (4) of the said Act is amended by striking out “Board” in the fourth and seventh lines and inserting in lieu thereof in each instance “chief officer”. s. 27 (4), amended

17. Section 30 of the said Act is repealed and the following substituted therefor: s. 30, re-enacted

30. Every operating engineer or operator shall display conspicuously his certificate of qualification in the engine room, compressor room or boiler room of the plant in which the operating engineer or operator works. Posting of certificates

18. Subsection 35 (1) of the said Act is repealed and the following substituted therefor: s. 35 (1), re-enacted

(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, fails to comply with an order of an inspector or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. Offences

19. Clauses 37 (*a*) and (*e*) of the said Act are repealed and the following substituted therefor: s. 37 (*a*, *e*), re-enacted

(*a*) prescribing the qualifications of inspectors;

- (e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the chief officer.

Commence-
ment

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

21. The short title of this Act is the *Operating Engineers Amendment Act, 1982*.

An Act to amend
the Operating Engineers Act

1st Reading

June 11th, 1982

2nd Reading

June 29th, 1982

3rd Reading

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(*Reprinted as amended by the
Committee of the Whole House*)

BILL 143

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Operating Engineers Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



BILL 143

1982

An Act to amend the Operating Engineers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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inspectors
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amended

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re-enacted

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absences

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and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely.

s. 22 (1),
amended

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- 12.**—(1) Subsection 23 (1) of the said Act is amended by striking out “Board” in the first line and in the fourth line and inserting in lieu thereof in each instance “chief officer”. s. 23 (1), amended
- (2) Subsection 23 (2) of the said Act is amended by striking out “Board” in the third line and inserting in lieu thereof “chief officer”. s. 23 (2), amended
- 13.**—(1) Section 24 of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 24, amended
- (2) Clause 24 (*k*) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 24 (*k*), amended
- 14.** Subsections 25 (1), (3), (4), (5) and (7) of the said Act are amended by striking out “Board” wherever it occurs and inserting in lieu thereof in each instance “chief officer”. s. 25 (1, 3, 4, 5, 7), amended
- 15.** Subsection 26 (1) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 26 (1), amended
- 16.** Subsection 27 (4) of the said Act is amended by striking out “Board” in the fourth and seventh lines and inserting in lieu thereof in each instance “chief officer”. s. 27 (4), amended
- 17.** Section 30 of the said Act is repealed and the following substituted therefor: s. 30, re-enacted
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- 19.** Clauses 37 (*a*) and (*e*) of the said Act are repealed and the following substituted therefor: s. 37 (*a*, *e*), re-enacted
- (*a*) prescribing the qualifications of inspectors;

- (e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the chief officer.

Commence-
ment

- 20.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 21.** The short title of this Act is the *Operating Engineers Amendment Act, 1982*.

An Act to amend
the Operating Engineers Act

1st Reading

June 11th, 1982

2nd Reading

June 29th, 1982

3rd Reading

June 30th, 1982

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

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Gouvernement
Publication

BILL 144

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATION
JUN 22 1982

An Act to amend the Provincial Courts Act

THE HON. R. MCMURTRY
Attorney General



EXPLANATORY NOTE

This Bill is complementary to a Bill to amend the *Unified Family Court Act*. The deletion of the section in that Act providing for its expiration on the 1st day of July, 1982 requires the deletion of complementary amendments to the *Provincial Courts Act* which were designed to take effect when the *Unified Family Court Act* expires.

BILL 144

1982

An Act to amend the Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 23 (3) of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed. s. 23 (3),
repealed
2. Subsection 28 (2) of the said Act is repealed. s. 28 (2),
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is the *Provincial Courts Amendment Act*, 1982. Short title

An Act to amend the Provincial Courts Act

1st Reading

June 11th, 1982

2nd Reading

June 11th, 1982

3rd Reading

THE HON. R. McMURTRY
Attorney General

(Government Bill)

BILL 144

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY
2

An Act to amend the Provincial Courts Act

THE HON. R. MCMURTRY
Attorney General





BILL 144

1982

An Act to amend the Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 23 (3) of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed. s. 23 (3),
repealed
2. Subsection 28 (2) of the said Act is repealed. s. 28 (2),
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is the *Provincial Courts Amendment Act*, 1982. Short title

An Act to amend the Provincial Courts Act

1st Reading

June 11th, 1982

2nd Reading

June 11th, 1982

3rd Reading

June 21st, 1982

THE HON. R. MCMURTRY
Attorney General

BILL 145

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend The Brantford-Brant Annexation Act, 1980

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. Subsection 8 (1) of the Act now reads as follows:

- (1) *The City and the County may enter into agreements to determine the municipal contributions to the Brantford Suburban Roads Commission and the sharing of costs in respect of suburban roads, the Brant Planning Board, the Children's Aid Society of Brant, homes-for-the-aged, rescue truck services, assisted housing, general welfare, hospital debt, health, emergency measures and a fire radio alarm system.*

By agreement between the City and the County, the Brantford Suburban Roads Commission is to be dissolved. The City and the County have agreed as to the contribution to be made by the City towards the Brant county road system. The amendment reflects those agreements.

Subsection 2. Subsection 8 (6) of the Act now reads as follows:

- (6) *Sections 66, 67 and 68 of The Public Transportation and Highway Improvement Act do not apply to agreements reached under this section in respect of suburban roads and the Brantford Suburban Roads Commission, but such agreements shall not take effect until they have been approved by the Lieutenant Governor in Council.*

The provisions of the *Public Transportation and Highway Improvement Act*, reference to which is being deleted, govern contributions by a city towards suburban roads and are inapplicable in any event by reason of the amendment proposed by subsection (1) of this section.

Subsection 3. Subsection 79 (3) of the *Public Transportation and Highway Improvement Act* prevents the payment of a highway improvement subsidy to a city in a county that does not contribute to the construction and maintenance of suburban roads. The proposed new subsection (6a) deems contributions made under an agreement entered into under subsection 8 (1) of the Act in respect of the Brant county road system to be such a contribution.

BILL 145

1982

An Act to amend The Brantford-Brant Annexation Act, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 8 (1) of *The Brantford-Brant Annexation Act, 1980*, being chapter 43, is amended by striking out “the Brantford Suburban Roads Commission and the sharing of costs in respect of suburban roads” in the second, third and fourth lines and inserting in lieu thereof “the Brant county road system”. s. 8 (1),
amended

- (2) Subsection 8 (6) of the said Act is repealed and the following substituted therefor: s. 8 (6),
re-enacted
 - (6) Any agreement reached under this section in respect of the Brant county road system shall not take effect until it has been approved by the Lieutenant Governor in Council. Approval
of
L.G. in C.

- (3) Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended
 - (6a) Any contribution made by the City in respect of the Brant county road system in accordance with an agreement reached under subsection (1), or a predecessor thereof, shall be deemed to be a contribution towards the construction and maintenance of suburban roads for the purposes of subsection 79 (3) of the *Public Transportation and Highway Improvement Act*. Deemed
contribution
under
R.S.O. 1980,
c. 421,
s. 79 (3)

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Brantford-Brant Annexation Amendment Act, 1982*. Short title

An Act to amend
The Brantford-Brant Annexation Act, 1980

1st Reading

June 15th, 1982

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Government Bill)

BILL 145

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY
2

An Act to amend The Brantford-Brant Annexation Act, 1980

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



BILL 145

1982

An Act to amend The Brantford-Brant Annexation Act, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 8 (1) of *The Brantford-Brant Annexation Act, 1980*, being chapter 43, is amended by striking out “the Brantford Suburban Roads Commission and the sharing of costs in respect of suburban roads” in the second, third and fourth lines and inserting in lieu thereof “the Brant county road system”. s. 8 (1),
amended

- (2) Subsection 8 (6) of the said Act is repealed and the following substituted therefor: s. 8 (6),
re-enacted

(6) Any agreement reached under this section in respect of the Brant county road system shall not take effect until it has been approved by the Lieutenant Governor in Council. Approval
of
L.G. in C.

- (3) Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended

(6a) Any contribution made by the City in respect of the Brant county road system in accordance with an agreement reached under subsection (1), or a predecessor thereof, shall be deemed to be a contribution towards the construction and maintenance of suburban roads for the purposes of subsection 79 (3) of the *Public Transportation and Highway Improvement Act*. Deemed
contribution
under
R.S.O. 1980,
c. 421,
s. 79 (3)

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Brantford-Brant Annexation Amendment Act, 1982*. Short title

An Act to amend
The Brantford-Brant Annexation Act, 1980

1st Reading

June 15th, 1982

2nd Reading

November 2nd, 1982

3rd Reading

November 16th, 1982

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

3
BILL 146

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend The City of Thunder Bay Act, 1968-69

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



EXPLANATORY NOTES

SECTION 1. The present section 10 of *The City of Thunder Bay Act, 1968-69* specifies that the Lakehead Planning Area, which includes the City of Thunder Bay, the townships of Commee, Neebing, O'Connor, Oliver, Paipoonge and Shuniah, and the geographic townships of Goreham and Ware, is to continue as a joint planning area, with the City as a subsidiary planning area. The City is also the designated municipality of the Lakehead Planning Area.

This provision is not consistent with section 9 of the proposed new *Planning Act* (Bill 159), which authorizes the Minister of Municipal Affairs and Housing to define and name a planning area in a territorial district, but which drops terms used in the existing *Planning Act* and *The City of Thunder Bay Act, 1968-69* such as "subsidiary planning area" and "designated municipality".

The repeal of section 10 will remove the inconsistency between *The City of Thunder Bay Act, 1968-69* and the new *Planning Act*.

SECTIONS 2 AND 3. Section 24a of the Act was enacted in 1974 and reads as follows:

24a. *Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society, Fort William-Port Arthur, situate in the City and bounded on the north by Isabel Street, on the east by the Fort William Road, on the south by the McIntyre River and on the west by Memorial Avenue, shall, when in occupation by a tenant, be liable to municipal taxation, including business taxes.*

Section 24a provides that a shopping centre built on the lands described in the section are subject to taxes, notwithstanding the tax exempt status of agricultural societies. Recently, agreements have been reached whereby additional lands not described in the 1974 amendment will be conveyed by the City and by the Lakehead Regional Conservation Authority to Canadian Lakehead Exhibition and leased out as part of the shopping centre.

The proposed amendments provide that the additional lands will be liable for taxation when occupied.

BILL 146

1982

An Act to amend The City of Thunder Bay Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is repealed. s. 10,
repealed

2. Section 24a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 45, section 6, is repealed and the following substituted therefor: s. 24a,
re-enacted

24a. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society in the City of Thunder Bay, described in Schedule C hereto, shall, when in occupation by a tenant, be liable to taxes for municipal and school purposes, including business taxes. Exhibition
property
liable to
taxation
when occupied
by tenant

3. The said Act is amended by adding thereto the following Schedule: Schedule C,
enacted

SCHEDULE C

ALL AND SINGULAR that parcel of land and premises situate in the City of Thunder Bay, in the District of Thunder Bay, bounded on the north by the north limit of Isabel Street, on the west by the east limit of Memorial Avenue, on the south by the north limit of the right of way of the Neebing/McIntyre Floodway and on the east by the proposed new west limit of Fort William Road, as revised in conjunction with the Neebing/McIntyre Floodway project, and more particularly described as follows:

COMMENCING at a point in the east limit of Memorial Avenue, formerly May Street as laid out by Registered Plan M-46, said point of commencement being the southwest corner of Part 2 on Reference Plan 55R-3571;

THENCE easterly along the southerly limits of Parts 2, 11, 12, 20, 21 and 22 as shown on the said Plan 55R-3571 to the southeast corner of the said Part 22;

THENCE easterly along the southerly limits of Parts 8, 21, 6 and 5 on Reference Plan 55R-4671 to the southwest corner of Part 4 on Reference Plan 55R-4443;

THENCE easterly on the southerly limit of the said Part 4 to the southeast corner of the said Part 4;

THENCE northerly along the east limit of the said Part 4 to the southeast corner of Part 4 on Reference Plan 55R-4671;

THENCE northerly along the east limits of Parts 4, 9, 17 and 15 on said Plan 55R-4671 to the most northerly corner of the said Part 15;

THENCE northerly along the east limits of Parts 4, 9, 17 and 15 on the said Plan 55R-4671 to the most northerly corner of the said Part 15;

THENCE northerly along the east limit of Part 20 on the said Plan 55R-4671 to the point where the said east limit is intersected by the production easterly of the north limit of Part 1 on Reference Plan 55R-3714, the said north limit being the north limit of Isabel Street;

THENCE westerly along the said production and along the north limit of Part 1 on the said Plan 55R-3714 to the northwest corner of the said Part 1, which is also a point in the east limit of Memorial Avenue;

THENCE southerly along the east limit of Memorial Avenue to the point of commencement.

Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *City of Thunder Bay Amendment Act, 1982*.

An Act to amend
The City of Thunder Bay Act, 1968-69

1st Reading

June 15th, 1982

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Government Bill)

Bill 146

2ND SESSION, 32ND LEGISLATURE, ONTARIO

31 ELIZABETH II, 1982

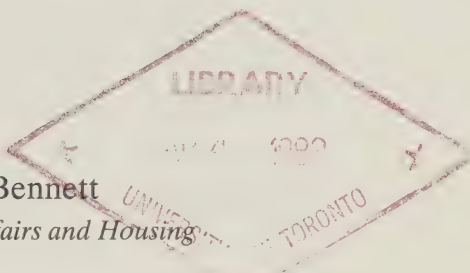
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Bill 146

(Chapter 11
Statutes of Ontario, 1983)

An Act to amend The City of Thunder Bay Act, 1968-69

The Hon. C. Bennett
Minister of Municipal Affairs and Housing



<i>1st Reading</i>	June 15th, 1982
<i>2nd Reading</i>	February 14th, 1983
<i>3rd Reading</i>	February 15th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill 146

1982

**An Act to amend
The City of Thunder Bay Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is repealed. s. 10,
repealed

2. Section 24a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 45, section 6, is repealed and the following substituted therefor: s. 24a,
re-enacted

24a. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society in the City of Thunder Bay, described in Schedule C hereto, shall, when in occupation by a tenant, be liable to taxes for municipal and school purposes, including business taxes. Exhibition
property
liable to
taxation
when
occupied by
tenant

3. The said Act is amended by adding thereto the following Schedule: Schedule C,
enacted

SCHEDULE C

ALL AND SINGULAR that parcel of land and premises situate in the City of Thunder Bay, in the District of Thunder Bay, bounded on the north by the north limit of Isabel Street, on the west by the east limit of Memorial Avenue, on the south by the north limit of the right of way of the Neebing/McIntyre Floodway and on the east by the proposed new west limit of Fort William Road, as revised in conjunction with the Neebing/McIntyre Floodway project, and more particularly described as follows:

COMMENCING at a point in the east limit of Memorial Avenue, formerly May Street as laid out by Registered Plan M-46, said point of commencement being the southwest corner of Part 2 on Reference Plan 55R-3571;

THENCE easterly along the southerly limits of Parts 2, 11, 12, 20, 21 and 22 as shown on the said Plan 55R-3571 to the southeast corner of the said Part 22;

THENCE easterly along the southerly limits of Parts 8, 21, 6 and 5 on Reference Plan 55R-4671 to the southwest corner of Part 4 on Reference Plan 55R-4443;

THENCE easterly on the southerly limit of the said Part 4 to the southeast corner of the said Part 4;

THENCE northerly along the east limit of the said Part 4 to the southeast corner of Part 4 on Reference Plan 55R-4671;

THENCE northerly along the east limits of Parts 4, 9, 17 and 15 on said Plan 55R-4671 to the most northerly corner of the said Part 15;

THENCE northerly along the east limits of Parts 4, 9, 17 and 15 on the said Plan 55R-4671 to the most northerly corner of the said Part 15;

THENCE northerly along the east limit of Part 20 on the said Plan 55R-4671 to the point where the said east limit is intersected by the production easterly of the north limit of Part 1 on Reference Plan 55R-3714, the said north limit being the north limit of Isabel Street;

THENCE westerly along the said production and along the north limit of Part 1 on the said Plan 55R-3714 to the northwest corner of the said Part 1, which is also a point in the east limit of Memorial Avenue;

THENCE southerly along the east limit of Memorial Avenue to the point of commencement.

Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *City of Thunder Bay Amendment Act, 1983*.

BILL 147

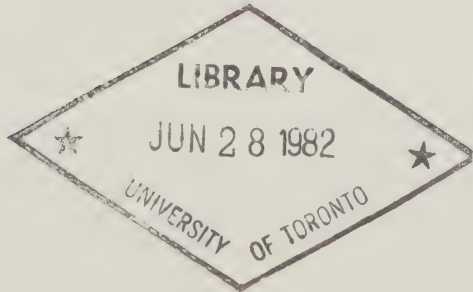
Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act respecting the Age of Mandatory Retirement

MR. KOLYN

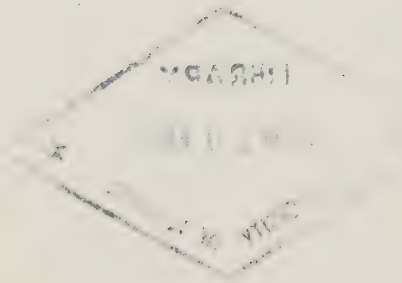


TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill raises the age of mandatory retirement to seventy years and provides that an employee who is not able to perform his duties adequately may be required to retire after attaining the age of sixty-five.



BILL 147

1982

An Act respecting the Age of Mandatory Retirement

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 34 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection: R.S.O. 1980, c. 137, s. 34, amended

(2a) No employer or person acting directly on behalf of an employer shall provide, furnish or offer any fund, plan, arrangement or benefit that includes, as a term or condition thereof, a requirement that the employee shall retire upon attaining a specified retirement age, by reason only of having attained that age, where the retirement age is less than seventy years. Mandatory retirement age

- (2) Subsection 34 (3) of the said Act is amended by adding at the end thereof “or (2a)”. s. 34 (3), amended

- (3) Subsection 34 (4) of the said Act is amended by inserting after “(2)” in the fourth line “or (2a)”. s. 34 (4), amended

2. Section 20 of the *Pension Benefits Act*, being chapter 373 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: R.S.O. 1980, c. 373, s. 20, amended

(10a) A pension plan filed for registration in accordance with section 17 shall not require, as a term or condition thereof, that an employee shall retire upon attaining a specified retirement age, by reason only of having attained that age, where the retirement age is less than seventy years. Mandatory retirement provision

(10b) Every pension plan filed for registration prior to the day this Act comes into force that requires, as a term or condition thereof, the retirement of an employee at an age less than seventy years shall be deemed to require retirement at seventy years of age. Plans amended

R.S.O. 1980,
c. 418, s. 17,
re-enacted

3. Section 17 of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Age of
retirement

17. Every civil servant shall retire at the end of the month in which he attains the age of seventy years, but where, in the opinion of the Commission, special circumstances exist and where his deputy minister so requests in writing, he may be reappointed by the Lieutenant Governor in Council for one or more periods not exceeding one year at a time thereafter.

Review by
employer

- 4.—(1) At any time after an employee attains the age of sixty-five, his employer, upon reviewing the employee's capability, taking into account his state of health, may determine that the employee is not able to adequately perform his duties.

Notice

- (2) Where an employer makes a determination under subsection (1), he shall give written notice of the determination to the employee and the employee shall retire at the end of the month in which he received the notice.

No penalty

- (3) Notwithstanding any provision in any Act or in any pension fund, plan or benefit, an employee who retires pursuant to a notice under subsection (2), shall not be liable to a penalty for early retirement.

Commence-
ment

5. This Act comes into force on the 1st day of January, 1983.

Short title

6. The short title of this Act is the *Age of Retirement Act, 1982*.

An Act respecting
the Age of Mandatory Retirement

1st Reading

June 15th, 1982

2nd Reading

3rd Reading

MR. KOLYN

(Private Member's Bill)

7N
6
BILL 148

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act respecting Insured Services under the Ontario
Health Insurance Plan

MR. PHILIP



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Self-explanatory.



BILL 148

1982

An Act respecting Insured Services under the Ontario Health Insurance Plan

HER MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The provision of prostheses and brassieres following a single or double mastectomy, on the prescription of a physician, may be prescribed by the regulations under the *Health Insurance Act* as an insured service for the purposes of that Act. Prostheses
may be
prescribed
as insured
services
R.S.O. 1980,
c. 197
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Insured Health Services Act, 1982*. Short title

An Act respecting Insured Services under
the Ontario Health Insurance Plan

1st Reading

June 15th, 1982

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

BILL 149

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend certain Acts respecting Regional Municipalities

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



EXPLANATORY NOTES

The Bill amends the ten Acts that govern the various regional municipalities and is divided into the following Parts:

Part	Page
I — Durham	1
II — Haldimand-Norfolk	4
III — Halton	4
IV — Hamilton-Wentworth	7
V — Niagara	8
VI — Ottawa-Carleton	8
VII — Peel	11
VIII — Sudbury	12
IX — Waterloo	12
X — York	13

The following amendments relate to all ten regional municipalities:

SECTIONS 2, 5, 8, 11, 14, 20, 23, 25, 28, 32. The amendments increase from 5 per cent to 8 per cent the interest rate to be allocated to the specific sum to be raised in each year in respect of sinking fund or term debentures so as to provide for the principal payment due at maturity.

The following amendments relate to all regional municipalities with the exception of Niagara, Waterloo and York:

SECTIONS 1, 4, 7, 10, 16, 22, 24. The effect is to make applicable the whole of section 30 of the *Public Utilities Act* where the treasurer of the regional municipality notifies the clerk of an area municipality of an amount owing by any person for the supply of water. That section makes the amount payable for the supply of a public utility a lien upon the interest of the owner or occupant of the land in respect of which it was supplied and provides for its entry on the collector's roll to be collected in the same way as municipal taxes are collected.

The following amendments relate to the regional municipalities of Niagara, Ottawa-Carleton, Waterloo and York:

SECTIONS 12, 18, 27 AND 30. The section proposed to be added in each case would permit the regional municipality to accept septic tank waste transported to its sewage works for disposal, and to charge for the receipt and disposal of that waste.

The following amendments relate to the regional municipalities of Durham and Halton:

SECTIONS 3^C AND 9. The sections proposed to be re-enacted expand on the powers of the regional municipality in respect of solid waste disposal. The regional municipality now has the responsibility of receiving and disposing of waste and no area municipality is to provide facilities for that purpose. The additional powers to be conferred are,

- (a) no private person or municipality outside the region may set up a solid waste disposal facility in the region without the consent of the Regional Council but a refusal to grant consent may be referred to the Municipal Board, whose decision is final;
- (b) the Regional Council may prescribe truck routes on regional roads for hauling waste to a facility and the council of an area municipality may also do so for its roads, subject to the consent of the Regional Council;

- (c) the Regional Corporation is given powers similar to those found in section 67 of the *Municipality of Metropolitan Toronto Act* to erect, maintain and operate buildings, structures and machinery for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam.

The amendment referred to below affects only The Regional Municipality of Halton:

SECTION 6. Section 49 of the Regional Act requires an area municipality to notify the Regional Corporation when it intends to close a road. The Regional Council then may within sixty days notify the area council of its objection to the closing and thereupon the road is not to be closed except by agreement or, failing agreement, with the approval of the Municipal Board. The new subsection permits the area council to close the road upon being notified by the Regional Council that it does not object, rather than being required to wait for the expiry of the sixty-day period.

The amendment set out below affects only The Regional Municipality of Niagara:

SECTION 13. An error in an internal reference is corrected.

The amendments set out below affect only The Regional Municipality of Ottawa-Carleton:

SECTION 15. The amendment is complementary to that set out in section 21 of the Bill and provides that the Municipal Board may vary any order it may have made under subsection 153 (3a) of the Regional Act (dividing the school division comprised of Ottawa, Vanier and Rockcliffe Park into zones) when it makes an order dividing or redividing any one of those three municipalities into wards pursuant to an application brought under section 8 of the Regional Act.

SECTION 17. The subsection added dispenses with the necessity of obtaining Municipal Board approval where an area municipality imposes a sewer mill rate to defray the regional sewer levy imposed on it, provided the rate applies only to the property that is situate within the area of special benefit defined in the area municipality by the Regional Council.

SECTION 19. The subsection added dispenses with the necessity of obtaining Municipal Board approval where an area municipality imposes a special rate to defray the regional urban transit levy, provided the area or areas to be charged constitute all of the portion of the Urban Transit Area that is situate within the area municipality.

SECTION 21. Subsection 153 (3) of the Regional Act reads as follows:

(3) *Twelve members of the Ottawa Board shall be elected by the public school electors of the school division as follows,*

(a) *six members by a general vote of the public school electors in the City of Vanier, the Village of Rockcliffe Park and such wards of the City of Ottawa as the Ottawa Board determines; and*

(b) *six members by a general vote of the public school electors in the wards of the City of Ottawa not included in clause (a),*

and the Ottawa Board shall, by resolution, determine from time to time the wards of the City of Ottawa that shall be included with the City of Vanier and the Village of Rockcliffe Park for the purposes of clause (a)

and such a resolution shall remain in force until repealed by the Ottawa Board.

New subsection (3a) authorizes the Municipal Board, upon application by The Ottawa Board of Education or upon petition by 150 or more public school electors, to divide or redivide the school division (comprised of Ottawa, Vanier and Rockcliffe Park) into zones and to provide for matters consequent thereon. (See also the Note to section 15).

The amendments set out below affect only The Regional Municipality of Waterloo:

SECTION 26. A minor adjustment is made to the description of the boundary between the City of Cambridge and the Township of Woolwich.

SECTION 29. The Regional Corporation is given the powers set out in respect of the production and sale of products derived from domestic or industrial waste.

The following amendment relates to The Regional Municipality of York:

SECTION 31. An error in an internal reference is corrected.

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1. Subsection 52 (14) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth line and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”. s. 52 (14),
amended
- 2.—(1) Subsection 110 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 110 (22),
amended
 - (2) Clause 110 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 110
(45) (b),
amended
3. Section 144 of the said Act is repealed and the following substituted therefor: s. 144,
re-enacted

144.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall continue to provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities. Receiving and
disposing of
waste by
Regional
Corporation

(3) On and after the day this section comes into force, no facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan municipality or by a Where consent
of Regional
Council
required
R.S.O. 1980,
c. 303

local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon.

Appeal to
O.M.B.

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final.

Powers of
Regional
Corporation

(5) For the purposes of subsection (2), the Regional Corporation may,

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;
- (e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and
- (f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,
c. 302, s. 210,
par. 129,
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste
facilities,
etc., vested
in Regional
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or

any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on
area
municipality
roads

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Payment of
outstanding
debt

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Settling
of doubts
by O.M.B.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications.

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Powers of
Regional
Corporation
re manufacture
and sale of
products,
commodities,
etc., derived
from waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private

property with the consent of the owner of such private property; and

- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,
c. 309, not to
apply

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14).

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 74 (14),
amended

4. Subsection 74 (14) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 92 (22),
amended

- 5.—(1) Subsection 92 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 92 (45) (b),
amended

- (2) Clause 92 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

PART III

REGIONAL MUNICIPALITY OF HALTON

s. 49,
amended

6. Section 49 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Where
Regional
Council
gives notice
of no objection

(2a) Where the Regional Council notifies the council of the area municipality that the Regional Council does not object to the stopping up, the Regional Council shall have no further right to object under subsection (2) and the council of the area municipality may proceed to pass a by-law for the stopping up of the highway or part thereof concerned.

s. 85 (14),
amended

7. Subsection 85 (14) of the said Act is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth line and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 103 (22),
amended

- 8.—(1) Subsection 103 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

- (2) Clause 103 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 103 (45) (b), amended

9. Section 137 of the said Act is repealed and the following substituted therefor: s. 137, re-enacted

137.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall continue to provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) On and after the day this section comes into force, no facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan municipality or by a local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon. Where consent of Regional Council required
R.S.O. 1980, c. 303

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final. Appeal to O.M.B.

(5) For the purposes of subsection (2), the Regional Corporation may, Powers of Regional Corporation

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;

- (e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and
- (f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,
c. 302, s. 210,
par. 129,
not to apply

Waste
facilities,
etc., vested in
Regional
Corporation

Routes on
regional roads

Routes on area
municipality
roads

Payment of
outstanding
debt

Default

Settling of
doubts by
O.M.B.

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the

Municipal Board may determine the matter and such determination is final and binding.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. Application of R.S.O. 1980, c. 302, s. 210, par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may, Powers of Regional Corporation re manufacture and sale of products, commodities, etc., derived from waste

(a) enter into agreements with any person;

(b) carry on investigations, experiments, research or development;

(c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14). R.S.O. 1980, c. 309, not to apply

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

10. Subsection 96 (14) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth line and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”. s. 96 (14), amended

11.—(1) Subsection 114 (22) of the said Act is amended by striking out “5” in the third line and inserting in lieu thereof “8”. s. 114 (22), amended

(2) Clause 114 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 114 (45) (b), amended

PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 62a,
enacted

- 12.** The *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Disposal of
liquid or
solid
material

62a.—(1) The Regional Council may pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 124 (1),
amended

- 13.** Subsection 124 (1) of the said Act is amended by striking out "subsection 180 (4)" in the first line and inserting in lieu thereof "section 183".

s. 142 (22),
amended

- 14.—**(1) Subsection 142 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 142 (45) (b),
amended

- (2) Clause 142 (45) (b) of the said Act is amended by striking out "5" in the sixth line and inserting in lieu thereof "8".

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

s. 8,
amended

- 15.** Section 8 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Variation, etc.,
by O.M.B. of
order made
under s. 153
(3a)

(2) If an application is made under subsection (1) in respect of the City of Ottawa, the City of Vanier or the Village of Rockcliffe Park and an order of the Municipal Board is in effect under subsection 153 (3a), the Board may vary the order, rescind the order or rescind the order and make a new order as though it were acting on an application under subsection 153 (3a) and the varied order or new order shall be deemed to have been made under that subsection.

(3) Notice of an application to which subsection (2) applies shall be given to The Ottawa Board of Education in such manner as the Municipal Board directs. Notice of application

16. Section 31 of the said Act is amended by adding thereto the following subsection: s. 31, amended

(13) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and section 30 of the *Public Utilities Act* applies and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. Entry by clerk on collector's roll
R.S.O. 1980, c. 423

17. Section 39 of the said Act is amended by adding thereto the following subsection: s. 39, amended

(5) Notwithstanding subsection (4) of this section or section 218 of the *Municipal Act*, the approval of the Municipal Board is not required if the by-law to be passed by the council of the area municipality under section 218 for raising an amount in respect of a work, Where approval of O.M.B. not required
R.S.O. 1980, c. 302

(a) imposes a sewer rate computed solely by the method referred to in clause 218 (7) (d) of the *Municipal Act*; and

(b) applies only in respect of the same property as that which is situate within the area of special benefit defined in the area municipality in respect of that work by a by-law of the Regional Council in force under subsection (1) or (2),

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

18. The said Act is amended by adding thereto the following section: s. 47a, enacted

47a.—(1) The Regional Council may pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation. Disposal of liquid or solid material

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material Terms and conditions

and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 79,
amended

- 19.** Section 79 of the said Act is amended by adding thereto the following subsection:

Where
approval
of O.M.B. not
required

(11a) Notwithstanding subsection (11), an area municipality may, without the approval of the Municipal Board, pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amount charged to that municipality provided that,

- (a) the defined area or areas constitute the entire portion of the Urban Transit Area that is situate within the area municipality; and
- (b) the by-law of the Regional Council passed under subsection (1) defining the Urban Transit Area is either final and binding under subsection (10) or thirty days have expired since the passing of the by-law or any amendments thereto and all appeals against the by-law or any such amendments have been finally disposed of,

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

s. 133 (23),
amended

- 20.—**(1) Subsection 133 (23) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 133 (46) (b),
amended

- (2) Clause 133 (46) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 153,
amended

- 21.** Section 153 of the said Act is amended by adding thereto the following subsections:

Zones

(3a) Notwithstanding subsection (3), upon the application of the Ottawa Board authorized by a resolution thereof, or upon the application of petitioners in accordance with subsection (3d), the Municipal Board may, by order,

- (a) divide or redivide the school division into zones, and shall designate the name or number each zone shall bear and shall declare the date the division or redivision shall take effect;
- (b) alter or dissolve any or all of the zones created by an order under clause (a) and shall declare the date when such alterations or dissolutions shall take effect;

- (c) provide that the public school electors in each zone created or altered under this subsection shall elect such number of members to the Ottawa Board as shall be specified in the order provided that the total number of members specified in the order is twelve; and

- (d) notwithstanding the *Municipal Elections Act* or the *Education Act*, make such provisions as are considered necessary for the holding of elections of members to the Ottawa Board by electors in zones created or altered under this subsection. R.S.O. 1980,
cc. 308, 129

(3b) Notwithstanding clause (3a) (a) or (b), the Municipal Board may not create a zone under those clauses which contains part only of a ward of the City of Ottawa or of a ward of the City of Vanier or part only of the Village of Rockcliffe Park. Limitation

(3c) While a provision of an order of the Municipal Board authorized by clause (3a) (c) is in effect for purposes of an election, the members of the Ottawa Board to be elected at the election by public school electors shall be elected in accordance with the provision of the order and not in accordance with subsection (3). Election

(3d) A petition of 150 or more public school electors of the school division may be presented to the Ottawa Board requesting the Board to apply to the Municipal Board to divide or redive the school division into zones or to alter or dissolve any or all of the existing zones created by an order of the Municipal Board, and if the Ottawa Board refuses or neglects to make the application within one month after the receipt by the Ottawa Board of the petition, the petitioners or any of them may apply to the Municipal Board for the division, redivision, alteration or dissolution, as the case may be. Petition

PART VII

REGIONAL MUNICIPALITY OF PEEL

22. Subsection 80 (14) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies". s. 80 (14),
amended

23.—(1) Subsection 98 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8". s. 98 (22),
amended

(2) Clause 98 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8". s. 98 (45) (b),
amended

PART VIII

REGIONAL MUNICIPALITY OF SUDBURY

s. 25 (14),
amended

- 24.** Subsection 25 (14) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.

s. 84 (22),
amended

- 25.**—(1) Subsection 84 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 84 (45) (b),
amended

- (2) Clause 84 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

PART IX

REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1) (g),
amended

- 26.** Clause 2 (1) (g) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out,

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”

in the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth lines and inserting in lieu thereof:

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”.

s. 59a,
enacted

- 27.** The said Act is amended by adding thereto the following section:

Disposal of
liquid or
solid
material

59a.—(1) The Regional Council may pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Cor-

puration and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

28.—(1) Subsection 132 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 132 (22),
amended

(2) Clause 132 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 132 (45) (b),
amended

29. Section 169 of the said Act is amended by adding thereto the following subsections:

s. 169,
amended

(7) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Products from
industrial
waste, etc.

(a) enter into agreements with any person;

(b) carry on investigations, experiments, research or development;

(c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(8) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (7).

R.S.O. 1980,
c. 309, not
to apply

PART X

REGIONAL MUNICIPALITY OF YORK

30. The *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 61a,
enacted

Disposal of
liquid or
solid
material

61a.—(1) The Regional Council may pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 123 (5),
amended

31. Subsection 123 (5) is amended by striking out “122” in the second line and inserting in lieu thereof “121”.

s. 134 (22),
amended

32.—(1) Subsection 134 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 134 (45) (b),
amended

(2) Clause 134 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

Commence-
ment

33.—(1) This Act, except section 29, comes into force on the day it receives Royal Assent.

Idem

(2) Section 29 shall be deemed to have come into force on the 1st day of January, 1982.

Short title

34. The short title of this Act is the *Regional Municipalities Amendment Act, 1982*.

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

June 17th, 1982

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Government Bill)

BILL 149

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

2

An Act to amend certain Acts respecting Regional Municipalities

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Reprinted as amended by the Committee of the Whole House)



TORONTO

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EXPLANATORY NOTES

The Bill amends the ten Acts that govern the various regional municipalities and is divided into the following Parts:

Part	Page
I — Durham	1
II — Haldimand-Norfolk	4
III — Halton	4
IV — Hamilton-Wentworth	7
V — Niagara	8
VI — Ottawa-Carleton	8
VII — Peel	11
VIII — Sudbury	12
IX — Waterloo	12
X — York	13

The following amendments relate to all ten regional municipalities:

SECTIONS 2, 5, 8, 11, 14, 20, 23, 25, 28, 32. The amendments increase from 5 per cent to 8 per cent the interest rate to be allocated to the specific sum to be raised in each year in respect of sinking fund or term debentures so as to provide for the principal payment due at maturity.

The following amendments relate to all regional municipalities with the exception of Niagara, Waterloo and York:

SECTIONS 1, 4, 7, 10, 16, 22, 24. The effect is to make applicable the whole of section 30 of the *Public Utilities Act* where the treasurer of the regional municipality notifies the clerk of an area municipality of an amount owing by any person for the supply of water. That section makes the amount payable for the supply of a public utility a lien upon the interest of the owner or occupant of the land in respect of which it was supplied and provides for its entry on the collector's roll to be collected in the same way as municipal taxes are collected.

The following amendments relate to the regional municipalities of Niagara, Ottawa-Carleton, Waterloo and York:

SECTIONS 12, 18, 27 AND 30. The section proposed to be added in each case confirms the authority of the regional municipality to accept septic tank waste transported to its sewage works for disposal, and to charge for the receipt and disposal of that waste.

The following amendments relate to the regional municipalities of Durham and Halton:

SECTIONS 3 AND 9. The sections proposed to be re-enacted expand on the powers of the regional municipality in respect of solid waste disposal. The regional municipality now has the responsibility of receiving and disposing of waste and no area municipality is to provide facilities for that purpose. The additional powers to be conferred are,

- (a) no private person or municipality outside the region may set up a solid waste disposal facility in the region without the consent of the Regional Council but a refusal to grant consent may be referred to the Municipal Board, whose decision is final;
- (b) the Regional Council may prescribe truck routes on regional roads for hauling waste to a facility and the council of an area municipality may also do so for its roads, subject to the consent of the Regional Council;

- (c) the Regional Corporation is given powers similar to those found in section 67 of the *Municipality of Metropolitan Toronto Act* to erect, maintain and operate buildings, structures and machinery for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam.

The amendment referred to below affects only The Regional Municipality of Halton:

SECTION 6. Section 49 of the Regional Act requires an area municipality to notify the Regional Corporation when it intends to close a road. The Regional Council then may within sixty days notify the area council of its objection to the closing and thereupon the road is not to be closed except by agreement or, failing agreement, with the approval of the Municipal Board. The new subsection permits the area council to close the road upon being notified by the Regional Council that it does not object, rather than being required to wait for the expiry of the sixty-day period.

The amendment set out below affects only The Regional Municipality of Niagara:

SECTION 13. An error in an internal reference is corrected.

The amendments set out below affect only The Regional Municipality of Ottawa-Carleton:

SECTION 15. The amendment is complementary to that set out in section 21 of the Bill and provides that the Municipal Board may vary any order it may have made under subsection 153 (3a) of the Regional Act (dividing the school division comprised of Ottawa, Vanier and Rockcliffe Park into zones) when it makes an order dividing or redividing any one of those three municipalities into wards pursuant to an application brought under section 8 of the Regional Act.

SECTION 17. The subsection added dispenses with the necessity of obtaining Municipal Board approval where an area municipality imposes a sewer mill rate to defray the regional sewer levy imposed on it, provided the rate applies only to the property that is situate within the area of special benefit defined in the area municipality by the Regional Council.

SECTION 19. The subsection added dispenses with the necessity of obtaining Municipal Board approval where an area municipality imposes a special rate to defray the regional urban transit levy, provided the area or areas to be charged constitute all of the portion of the Urban Transit Area that is situate within the area municipality.

SECTION 21. Subsection 153 (3) of the Regional Act reads as follows:

- (3) *Twelve members of the Ottawa Board shall be elected by the public school electors of the school division as follows,*

- (a) *six members by a general vote of the public school electors in the City of Vanier, the Village of Rockcliffe Park and such wards of the City of Ottawa as the Ottawa Board determines; and*
- (b) *six members by a general vote of the public school electors in the wards of the City of Ottawa not included in clause (a),*

and the Ottawa Board shall, by resolution, determine from time to time the wards of the City of Ottawa that shall be included with the City of Vanier and the Village of Rockcliffe Park for the purposes of clause (a)

and such a resolution shall remain in force until repealed by the Ottawa Board.

New subsection (3a) authorizes the Municipal Board, upon application by The Ottawa Board of Education or upon petition by 150 or more public school electors, to divide or redivide the school division (comprised of Ottawa, Vanier and Rockcliffe Park) into zones and to provide for matters consequent thereon. (See also the Note to section 15).

The amendments set out below affect only The Regional Municipality of Waterloo:

SECTION 26. A minor adjustment is made to the description of the boundary between the City of Cambridge and the Township of Woolwich.

SECTION 29. The Regional Corporation is given the powers set out in respect of the production and sale of products derived from domestic or industrial waste.

The following amendment relates to The Regional Municipality of York:

SECTION 31. An error in an internal reference is corrected.

BILL 149

1982

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1. Subsection 52 (14) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth line and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”. s. 52 (14),
amended

- 2.—(1) Subsection 110 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 110 (22),
amended

- (2) Clause 110 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 110
(45) (b),
amended

3. Section 144 of the said Act is repealed and the following substituted therefor: s. 144,
re-enacted

144.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall continue to provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities. Receiving and
disposing of
waste by
Regional
Corporation

(3) On and after the day this section comes into force, no facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan municipality or by a Where consent
of Regional
Council
required
R.S.O. 1980,
c. 303

local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon.

Appeal to
O.M.B.

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final.

Powers of
Regional
Corporation

(5) For the purposes of subsection (2), the Regional Corporation may,

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;
- (e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and
- (f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,
c. 302, s. 210,
par. 129,
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste
facilities,
etc., vested
in Regional
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or

any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on
area
municipality
roads

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Payment of
outstanding
debt

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Settling
of doubts
by O.M.B.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications.

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Powers of
Regional
Corporation
re manufacture
and sale of
products,
commodities,
etc., derived
from waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private

property with the consent of the owner of such private property; and

- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14).

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 74 (14),
amended

4. Subsection 74 (14) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 92 (22),
amended

- 5.—(1) Subsection 92 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 92 (45) (b),
amended

- (2) Clause 92 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

PART III

REGIONAL MUNICIPALITY OF HALTON

s. 49,
amended

6. Section 49 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Where
Regional
Council
gives notice
of no objection

(2a) Where the Regional Council notifies the council of the area municipality that the Regional Council does not object to the stopping up, the Regional Council shall have no further right to object under subsection (2) and the council of the area municipality may proceed to pass a by-law for the stopping up of the highway or part thereof concerned.

s. 85 (14),
amended

7. Subsection 85 (14) of the said Act is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth line and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 103 (22),
amended

- 8.—(1) Subsection 103 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

(2) Clause 103 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8". s. 103 (45) (b),
amended

9. Section 137 of the said Act is repealed and the following substituted therefor: s. 137,
re-enacted

137.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall continue to provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities. Receiving and
disposing of
waste by
Regional
Corporation

(3) On and after the day this section comes into force, no facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan municipality or by a local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon. Where consent
of Regional
Council
required
R.S.O. 1980,
c. 303

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final. Appeal to
O.M.B.

(5) For the purposes of subsection (2), the Regional Corporation may, Powers of
Regional
Corporation

(a) acquire and use land;

(b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;

(c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;

(d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;

(e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and

(f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,
c. 302, s. 210,
par. 129,
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste
facilities,
etc., vested in
Regional
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on area
municipality
roads

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Payment of
outstanding
debt

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Default

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling of
doubts by
O.M.B.

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the

Municipal Board may determine the matter and such determination is final and binding.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications.

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Powers of
Regional
Corporation re
manufacture
and sale
of products,
commodities,
etc., derived
from waste

(a) enter into agreements with any person;

(b) carry on investigations, experiments, research or development;

(c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14).

R.S.O. 1980,
c. 309,
not to apply

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

10. Subsection 96 (14) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth line and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 96 (14),
amended

11.—(1) Subsection 114 (22) of the said Act is amended by striking out "5" in the third line and inserting in lieu thereof "8".

s. 114 (22),
amended

(2) Clause 114 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

s. 114 (45) (b),
amended

PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 62a,
enacted

- 12.** The *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Disposal of
liquid or
solid
material

62a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 124 (1),
amended

- 13.** Subsection 124 (1) of the said Act is amended by striking out "subsection 180 (4)" in the first line and inserting in lieu thereof "section 183".

s. 142 (22),
amended

- 14.—**(1) Subsection 142 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 142 (45) (b),
amended

(2) Clause 142 (45) (b) of the said Act is amended by striking out "5" in the sixth line and inserting in lieu thereof "8".

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

s. 8,
amended

- 15.** Section 8 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Variation, etc.,
by O.M.B. of
order made
under s. 153
(3a)

(2) If an application is made under subsection (1) in respect of the City of Ottawa, the City of Vanier or the Village of Rockcliffe Park and an order of the Municipal Board is in effect under subsection 153 (3a), the Board may vary the order, rescind the order or rescind the order and make a new order as though it were acting on an application under subsection 153 (3a) and the varied order or new order shall be deemed to have been made under that subsection.

(3) Notice of an application to which subsection (2) applies shall be given to The Ottawa Board of Education in such manner as the Municipal Board directs. Notice of application

16. Section 31 of the said Act is amended by adding thereto the following subsection: s. 31, amended

(13) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and section 30 of the *Public Utilities Act* applies and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. Entry by clerk on collector's roll
R.S.O. 1980, c. 423

17. Section 39 of the said Act is amended by adding thereto the following subsection: s. 39, amended

(5) Notwithstanding subsection (4) of this section or section 218 of the *Municipal Act*, the approval of the Municipal Board is not required if the by-law to be passed by the council of the area municipality under section 218 for raising an amount in respect of a work, Where approval of O.M.B. not required
R.S.O. 1980, c. 302

- (a) imposes a sewer rate computed solely by the method referred to in clause 218 (7) (d) of the *Municipal Act*; and
- (b) applies only in respect of the same property as that which is situate within the area of special benefit defined in the area municipality in respect of that work by a by-law of the Regional Council in force under subsection (1) or (2),

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

18. The said Act is amended by adding thereto the following section: s. 47a, enacted

47a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation. Disposal of liquid or solid material

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material Terms and conditions

and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 79,
amended

- 19.** Section 79 of the said Act is amended by adding thereto the following subsection:

Where
approval
of O.M.B. not
required

(11a) Notwithstanding subsection (11), an area municipality may, without the approval of the Municipal Board, pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amount charged to that municipality provided that,

- (a) the defined area or areas constitute the entire portion of the Urban Transit Area that is situate within the area municipality; and
- (b) the by-law of the Regional Council passed under subsection (1) defining the Urban Transit Area is either final and binding under subsection (10) or thirty days have expired since the passing of the by-law or any amendments thereto and all appeals against the by-law or any such amendments have been finally disposed of,

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

s. 133 (23),
amended

- 20.**—(1) Subsection 133 (23) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 133 (46) (b),
amended

- (2) Clause 133 (46) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 153,
amended

- 21.** Section 153 of the said Act is amended by adding thereto the following subsections:

Zones

(3a) Notwithstanding subsection (3), upon the application of the Ottawa Board authorized by a resolution thereof, or upon the application of petitioners in accordance with subsection (3d), the Municipal Board may, by order,

- (a) divide or redivide the school division into zones, and shall designate the name or number each zone shall bear and shall declare the date the division or redivision shall take effect;
- (b) alter or dissolve any or all of the zones created by an order under clause (a) and shall declare the date when such alterations or dissolutions shall take effect;

(c) provide that the public school electors in each zone created or altered under this subsection shall elect such number of members to the Ottawa Board as shall be specified in the order provided that the total number of members specified in the order is twelve; and

(d) notwithstanding the *Municipal Elections Act* or the *Education Act*, make such provisions as are considered necessary for the holding of elections of members to the Ottawa Board by electors in zones created or altered under this subsection. R.S.O. 1980,
cc. 308, 129

(3b) Notwithstanding clause (3a) (a) or (b), the Municipal Board may not create a zone under those clauses which contains part only of a ward of the City of Ottawa or of a ward of the City of Vanier or part only of the Village of Rockcliffe Park. Limitation

(3c) While a provision of an order of the Municipal Board authorized by clause (3a) (c) is in effect for purposes of an election, the members of the Ottawa Board to be elected at the election by public school electors shall be elected in accordance with the provision of the order and not in accordance with subsection (3). Election

(3d) A petition of 150 or more public school electors of the school division may be presented to the Ottawa Board requesting the Board to apply to the Municipal Board to divide or redivide the school division into zones or to alter or dissolve any or all of the existing zones created by an order of the Municipal Board, and if the Ottawa Board refuses or neglects to make the application within one month after the receipt by the Ottawa Board of the petition, the petitioners or any of them may apply to the Municipal Board for the division, redivision, alteration or dissolution, as the case may be. Petition

PART VII

REGIONAL MUNICIPALITY OF PEEL

22. Subsection 80 (14) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”. s. 80 (14),
amended

23.—(1) Subsection 98 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 98 (22),
amended

(2) Clause 98 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 98 (45) (b),
amended

PART VIII

REGIONAL MUNICIPALITY OF SUDBURY

s. 25 (14),
amended

- 24.** Subsection 25 (14) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.

s. 84 (22),
amended

- 25.**—(1) Subsection 84 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 84 (45) (b),
amended

- (2) Clause 84 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

PART IX

REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1) (g),
amended

- 26.** Clause 2 (1) (g) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out,

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”

in the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth lines and inserting in lieu thereof:

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”.

s. 59a,
enacted

- 27.** The said Act is amended by adding thereto the following section:

Disposal of
liquid or
solid
material

59a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation

and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

Terms and conditions

28.—(1) Subsection 132 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 132 (22), amended

(2) Clause 132 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 132 (45) (b), amended

29. Section 169 of the said Act is amended by adding thereto the following subsections:

s. 169, amended

(7) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Products from industrial waste, etc.

(a) enter into agreements with any person;

(b) carry on investigations, experiments, research or development;

(c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(8) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (7).

R.S.O. 1980, c. 309, not to apply

PART X

REGIONAL MUNICIPALITY OF YORK

30. The *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 61a, enacted

Disposal of
liquid or
solid
material

61a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 123 (5),
amended

31. Subsection 123 (5) is amended by striking out “122” in the second line and inserting in lieu thereof “121”.

s. 134 (22),
amended

32.—(1) Subsection 134 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 134 (45) (b),
amended

(2) Clause 134 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

Commence-
ment

33.—(1) This Act, except section 29, comes into force on the day it receives Royal Assent.

Idem

(2) Section 29 shall be deemed to have come into force on the 1st day of January, 1982.

Short title

34. The short title of this Act is the *Regional Municipalities Amendment Act, 1982*.

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

June 17th, 1982

2nd Reading

October 21st, 1982

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Reprinted as amended by the
Committee of the Whole House)

BILL 149

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY
1/2

An Act to amend certain Acts respecting Regional Municipalities

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing





An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1. Subsection 52 (14) of the *Regional Municipality of Durham Act*, s. 52 (14),
being chapter 434 of the Revised Statutes of Ontario, 1980, is amended
amended by striking out "subsections 30 (2), (3) and (4) of the
Public Utilities Act apply" in the sixth line and inserting in lieu
thereof "section 30 of the *Public Utilities Act* applies".
- 2.—(1) Subsection 110 (22) of the said Act is amended by striking out s. 110 (22),
"5" in the fourth line and inserting in lieu thereof "8". amended
(2) Clause 110 (45) (b) of the said Act is amended by striking out s. 110
"5" in the fifth line and inserting in lieu thereof "8". (45) (b),
amended
3. Section 144 of the said Act is repealed and the following s. 144,
substituted therefor: re-enacted

144.—(1) In this section, "waste" includes ashes, garbage, Interpretation
refuse, domestic waste, industrial solid waste or municipal
refuse, and such other wastes as may be designated by by-law of
the Regional Council.

(2) The Regional Corporation shall continue to provide Receiving and
facilities for the purpose of receiving, dumping and disposing of waste by
waste and no area municipality shall provide such facilities. Council
Corporation

(3) On and after the day this section comes into force, no Where consent
facilities for the receiving, dumping and disposing of waste shall be of Regional
provided in the Regional Area by any person or by any municipi- Council
pality, as defined in the *Municipal Affairs Act*, or by any other required
regional municipality or by a metropolitan municipality or by a R.S.O. 1980,
c. 303

local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon.

Appeal to
O.M.B.

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final.

Powers of
Regional
Corporation

(5) For the purposes of subsection (2), the Regional Corporation may,

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;
- (e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and
- (f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,
c. 302, s. 210,
par. 129,
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste
facilities,
etc., vested
in Regional
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or

any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on
area
municipality
roads

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Payment of
outstanding
debt

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Settling
of doubts
by O.M.B.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications.

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Powers of
Regional
Corporation
re manufacture
and sale of
products,
commodities,
etc., derived
from waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private

property with the consent of the owner of such private property; and

- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,
c. 309, not to
apply

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14).

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 74 (14),
amended

4. Subsection 74 (14) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 92 (22),
amended

- 5.—(1) Subsection 92 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 92 (45) (b),
amended

- (2) Clause 92 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

PART III

REGIONAL MUNICIPALITY OF HALTON

s. 49,
amended

6. Section 49 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Where
Regional
Council
gives notice
of no objection

(2a) Where the Regional Council notifies the council of the area municipality that the Regional Council does not object to the stopping up, the Regional Council shall have no further right to object under subsection (2) and the council of the area municipality may proceed to pass a by-law for the stopping up of the highway or part thereof concerned.

s. 85 (14),
amended

7. Subsection 85 (14) of the said Act is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth line and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 103 (22),
amended

- 8.—(1) Subsection 103 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

(2) Clause 103 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 103 (45) (b),
amended

9. Section 137 of the said Act is repealed and the following substituted therefor: s. 137,
re-enacted

137.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall continue to provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities. Receiving and
disposing of
waste by
Regional
Corporation

(3) On and after the day this section comes into force, no facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan municipality or by a local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon. Where consent
of Regional
Council
required

R.S.O. 1980,
c. 303

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final. Appeal to
O.M.B.

(5) For the purposes of subsection (2), the Regional Corporation may, Powers of
Regional
Corporation

(a) acquire and use land;

(b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;

(c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;

(d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;

- (e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and
- (f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,
c. 302, s. 210,
par. 129,
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste
facilities,
etc., vested in
Regional
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on area
municipality
roads

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Payment of
outstanding
debt

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Default

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling of
doubts by
O.M.B.

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the

Municipal Board may determine the matter and such determination is final and binding.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. Application of R.S.O. 1980, c. 302, s. 210, par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may, Powers of Regional Corporation re manufacture and sale of products, commodities, etc., derived from waste

(a) enter into agreements with any person;

(b) carry on investigations, experiments, research or development;

(c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14). R.S.O. 1980, c. 309, not to apply

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

10. Subsection 96 (14) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth line and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”. s. 96 (14), amended

11.—(1) Subsection 114 (22) of the said Act is amended by striking out “5” in the third line and inserting in lieu thereof “8”. s. 114 (22), amended

(2) Clause 114 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 114 (45) (b), amended

PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 62a,
enacted

- 12.** The *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Disposal of
liquid or
solid
material

62a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 124 (1),
amended

- 13.** Subsection 124 (1) of the said Act is amended by striking out "subsection 180 (4)" in the first line and inserting in lieu thereof "section 183".

s. 142 (22),
amended

- 14.**—(1) Subsection 142 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 142 (45) (b),
amended

(2) Clause 142 (45) (b) of the said Act is amended by striking out "5" in the sixth line and inserting in lieu thereof "8".

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

s. 8,
amended

- 15.** Section 8 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Variation, etc.,
by O.M.B. of
order made
under s. 153
(3a)

(2) If an application is made under subsection (1) in respect of the City of Ottawa, the City of Vanier or the Village of Rockcliffe Park and an order of the Municipal Board is in effect under subsection 153 (3a), the Board may vary the order, rescind the order or rescind the order and make a new order as though it were acting on an application under subsection 153 (3a) and the varied order or new order shall be deemed to have been made under that subsection.

(3) Notice of an application to which subsection (2) applies shall be given to The Ottawa Board of Education in such manner as the Municipal Board directs. Notice of application

16. Section 31 of the said Act is amended by adding thereto the following subsection: s. 31, amended

(13) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and section 30 of the *Public Utilities Act* applies and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. Entry by clerk on collector's roll
R.S.O. 1980, c. 423

17. Section 39 of the said Act is amended by adding thereto the following subsection: s. 39, amended

(5) Notwithstanding subsection (4) of this section or section 218 of the *Municipal Act*, the approval of the Municipal Board is not required if the by-law to be passed by the council of the area municipality under section 218 for raising an amount in respect of a work, Where approval of O.M.B. not required
R.S.O. 1980, c. 302

(a) imposes a sewer rate computed solely by the method referred to in clause 218 (7) (d) of the *Municipal Act*; and

(b) applies only in respect of the same property as that which is situate within the area of special benefit defined in the area municipality in respect of that work by a by-law of the Regional Council in force under subsection (1) or (2),

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

18. The said Act is amended by adding thereto the following section: s. 47a, enacted

47a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation. Disposal of liquid or solid material

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material Terms and conditions

and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 79,
amended

- 19.** Section 79 of the said Act is amended by adding thereto the following subsection:

Where
approval
of O.M.B. not
required

(11a) Notwithstanding subsection (11), an area municipality may, without the approval of the Municipal Board, pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amount charged to that municipality provided that,

- (a) the defined area or areas constitute the entire portion of the Urban Transit Area that is situate within the area municipality; and
- (b) the by-law of the Regional Council passed under subsection (1) defining the Urban Transit Area is either final and binding under subsection (10) or thirty days have expired since the passing of the by-law or any amendments thereto and all appeals against the by-law or any such amendments have been finally disposed of,

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

s. 133 (23),
amended

- 20.—**(1) Subsection 133 (23) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 133 (46) (b),
amended

- (2) Clause 133 (46) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

s. 153,
amended

- 21.** Section 153 of the said Act is amended by adding thereto the following subsections:

Zones

(3a) Notwithstanding subsection (3), upon the application of the Ottawa Board authorized by a resolution thereof, or upon the application of petitioners in accordance with subsection (3d), the Municipal Board may, by order,

- (a) divide or redivide the school division into zones, and shall designate the name or number each zone shall bear and shall declare the date the division or redivision shall take effect;
- (b) alter or dissolve any or all of the zones created by an order under clause (a) and shall declare the date when such alterations or dissolutions shall take effect;

(c) provide that the public school electors in each zone created or altered under this subsection shall elect such number of members to the Ottawa Board as shall be specified in the order provided that the total number of members specified in the order is twelve; and

(d) notwithstanding the *Municipal Elections Act* or the *Education Act*, make such provisions as are considered necessary for the holding of elections of members to the Ottawa Board by electors in zones created or altered under this subsection. R.S.O. 1980,
cc. 308, 129

(3b) Notwithstanding clause (3a) (a) or (b), the Municipal Board may not create a zone under those clauses which contains part only of a ward of the City of Ottawa or of a ward of the City of Vanier or part only of the Village of Rockcliffe Park. Limitation

(3c) While a provision of an order of the Municipal Board authorized by clause (3a) (c) is in effect for purposes of an election, the members of the Ottawa Board to be elected at the election by public school electors shall be elected in accordance with the provision of the order and not in accordance with subsection (3). Election

(3d) A petition of 150 or more public school electors of the school division may be presented to the Ottawa Board requesting the Board to apply to the Municipal Board to divide or redivide the school division into zones or to alter or dissolve any or all of the existing zones created by an order of the Municipal Board, and if the Ottawa Board refuses or neglects to make the application within one month after the receipt by the Ottawa Board of the petition, the petitioners or any of them may apply to the Municipal Board for the division, redivision, alteration or dissolution, as the case may be. Petition

PART VII

REGIONAL MUNICIPALITY OF PEEL

22. Subsection 80 (14) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”. s. 80 (14),
amended

23.—(1) Subsection 98 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 98 (22),
amended

(2) Clause 98 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 98 (45) (b),
amended

PART VIII

REGIONAL MUNICIPALITY OF SUDBURY

s. 25 (14),
amended

- 24.** Subsection 25 (14) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.

s. 84 (22),
amended

- 25.**—(1) Subsection 84 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 84 (45) (b),
amended

- (2) Clause 84 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

PART IX

REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1) (g),
amended

- 26.** Clause 2 (1) (g) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out,

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”

in the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth lines and inserting in lieu thereof:

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”.

s. 59a,
enacted

- 27.** The said Act is amended by adding thereto the following section:

Disposal of
liquid or
solid
material

59a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation

and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

Terms and conditions

28.—(1) Subsection 132 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 132 (22), amended

(2) Clause 132 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 132 (45) (b), amended

29. Section 169 of the said Act is amended by adding thereto the following subsections:

s. 169, amended

(7) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Products from industrial waste, etc.

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(8) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (7).

R.S.O. 1980, c. 309, not to apply

PART X

REGIONAL MUNICIPALITY OF YORK

30. The *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 61a, enacted

Disposal of
liquid or
solid
material

61a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 123 (5),
amended

31. Subsection 123 (5) is amended by striking out “122” in the second line and inserting in lieu thereof “121”.

s. 134 (22),
amended

32.—(1) Subsection 134 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 134 (45) (b),
amended

(2) Clause 134 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

Commence-
ment

33.—(1) This Act, except section 29, comes into force on the day it receives Royal Assent.

Idem

(2) Section 29 shall be deemed to have come into force on the 1st day of January, 1982.

Short title

34. The short title of this Act is the *Regional Municipalities Amendment Act, 1982*.

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

June 17th, 1982

2nd Reading

October 21st, 1982

3rd Reading

November 16th, 1982

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

BILL 150

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Municipal Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The re-enactment of paragraph 8 of section 1 of the Act is complementary to the re-enactment of subsection 149 (1) of the Act as set out in section 13 of the Bill. The re-enactment of section 149 will remove the requirement for the assent of the electors with respect to money by-laws related to debts to be incurred beyond the life of the council. As a result, several provisions of the Act are amended, re-enacted or repealed to delete references to the assent of the electors and delete references to electors entitled to vote on money by-laws.

SECTION 2. Section 24 of the Act, which authorizes the establishment of inter-urban administrative areas, is considered to be archaic. Therefore, it is proposed that section 24 be repealed.

SECTION 3. The amendment to subsection 25 (6) removes the requirement that the Municipal Board send notice to the Minister of Health when an application is made to dissolve a municipality or local board.

SECTION 4. The repeal of section 74 removes the authority of a mayor to call out the *posse comitatus*. The power is considered to be obsolete. *Posse comitatus* is defined in *Jowitt's Dictionary of English Law* (2nd Ed.) as follows:

... the power of the county; an assemblage of the able-bodied male inhabitants above the age of fifteen of a county, except peers and clergymen. The sheriff of the county may summon the *posse comitatus* to defend the county against the enemies of the Crown, or to keep the peace, or to pursue felons, or to enforce the royal writ. Persons failing to obey the summons are liable to fine and imprisonment. The use of the *posse* fell into disuse as the result of the establishment of the police forces during the last century: but the power to call out the *posse* remained in law until the repeal of the *Sheriffs Act*, [U.K.] 1887, s. 8 (1) by the *Criminal Law Act*, [U.K.] 1967, Sch. 3.

SECTION 5. The repeal of subsection 81 (5) removes the prohibition against council members receiving money from the municipal treasurer for work done. In light of the *Municipal Conflict of Interest Act*, subsection 81 (5) is considered to be unnecessary.

SECTION 6. Various provisions of the Act provide for fines for persons who contravene particular provisions of the Act. These provisions are inconsistent. Under the proposed re-enactment of subsection 84 (2) and amendments to several other sections, as set out in this Bill, persons who contravene the particular provisions of the Act will be liable to the general penalty provisions of the *Provincial Offences Act*.

SECTION 7. The proposed section 104a provides for the use of the English and French languages by municipalities.

Subsections 104a (1) and (2) provide that by-laws, resolutions and official plans may be in English or both English and French.

BILL 150

1982

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1, par. 8,
re-enacted

8. “electors”, when applied to a municipal election, means the persons entitled to vote at a municipal election and when applied to voting on any by-law or on a resolution or question, unless otherwise provided by the Act, by-law or other authority under which the vote is taken, means municipal electors.

2. Section 24 of the said Act is repealed. s. 24,
repealed
3. Subsection 25 (6) of the said Act is amended by striking out “which shall in every case include a written notice to the Minister of Health” in the third, fourth and fifth lines. s. 25 (6),
amended
4. Section 74 of the said Act is repealed. s. 74,
repealed
5. Subsection 81 (5) of the said Act is repealed. s. 81 (5),
repealed
6. Subsection 84 (2) of the said Act is repealed and the following substituted therefor: s. 84 (2),
re-enacted

(2) Every treasurer who contravenes subsection (1) is guilty of an offence. Offence

7. The said Act is amended by adding thereto the following section: s. 104a,
enacted

104a.—(1) Every council may pass its by-laws and resolutions in English or in both English and French. English and
French
by-laws and
resolutions

(2) Every council may adopt an official plan that is in English or that is in both English and French. Official
plans

Proceedings
of council

(3) Every council and every committee of council may conduct its proceedings in English or French or in both English and French.

Minutes

(4) Notwithstanding subsection (3), the minutes of the proceedings of council and all committees of council shall be kept in English or, where so authorized by a by-law of the council, in both English and French.

Conduct of
affairs, etc.,
of municipality

(5) Unless otherwise directed by a by-law of the council, the officers and servants of a municipality may conduct the business and affairs of the municipality in such language, including a language other than English or French, as may be reasonable in the circumstances.

Proviso

(6) Nothing in this section,

(a) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any form, book, document or other paper of any kind in the language or languages specified by or under the Act;

(b) affects any requirement at law to give reasonable notice.

Translations

(7) Where any form, book, document or other paper of any kind is submitted by a municipality to a ministry of the Government of Ontario in French, the municipality shall, at the request of the minister of the ministry to which the form, book, document or other paper was submitted, supply the minister with an English translation thereof.

s. 124 (12),
re-enacted

8.—(1) Subsection 124 (12) of the said Act is repealed and the following substituted therefor:

Joint and
several
liability

(12) All debentures issued under the authority of this section are direct, joint and several obligations of the municipality and the school board, and, in the case of debentures issued by a regional or district municipality or the County of Oxford, are direct, joint and several obligations of that municipality, the school board and the area municipalities as defined in the Act establishing that municipality, but nothing in this subsection affects the rights of that municipality, the school board and such area municipalities as among themselves.

Ranking of
debentures

(12a) Notwithstanding any general or special Act or any differences in date of issue or maturity, every debenture issued by a municipality under the authority of this section shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the municipality,

Subsection 104a (3) provides that every council may conduct its proceedings and the proceedings of its committees in English or French or in both English and French.

Subsection 104a (4) requires that the minutes of council and its committees must be in English unless the council has authorized bilingual minutes.

Subsection 104a (5) clarifies that the officers and servants of a municipality may carry out the business and affairs of the municipality in such language as may be reasonable in the circumstances. The language may be a language other than English or French.

Subsection 104a (6) safeguards requirements arising under statutes that a particular language be used. For example, clause 14 (2) (h) of the *Occupational Health and Safety Act* provides that:

“ . . . an employer shall,

(h) *post, in the work place, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the work place, outlining the rights, responsibilities and duties of workers”.*

Subsection 104a (6) also safeguards requirements imposed at law to give reasonable notice. While this duty is set out in the *Statutory Powers Procedure Act* with respect to hearings to which that Act applies, there are also proceedings to which the common law applies for which reasonable notice must be given.

Subsection 104a (7) allows a Minister of the Crown to require that the documents prepared in French submitted to his or her Ministry be submitted with an English translation.

SECTION 8.—Subsection 1. The re-enactment of subsection 124 (12) splits the present subsection (12) into two subsections and extends the effect of the present subsection (12) to provide that debentures issued by a regional or district municipality or the County of Oxford on behalf of a school board are a liability of all the area municipalities within that municipality.

Subsection 2. See Note for section 1.

SECTION 9. The amendment to section 143 removes the minimum population requirements with respect to the issuing of instalment debentures and replacement debentures. References to the assent of the electors are also deleted. (See Note for section 1).

SECTION 10. The amendment to clause 144 (a) removes the minimum population requirement for the issuing of debentures redeemable by lot.

SECTION 11. The amendment to subsection 146 (1) removes the minimum population requirement for the issuing of sinking fund debentures.

The amendment to clause 146 (2) (b) decreases the amount required to be raised in each year for sinking fund debentures.

SECTION 12. The amendment to subsection 147 (1) removes the minimum population requirement for the issuing of term debentures.

The amendment to clause 147 (2) (b) decreases the amount required to be raised in each year for a term debenture retirement fund.

SECTION 13. The requirement for the assent of the electors with respect to debts to be incurred beyond the term of the council is deleted. The Municipal Board will be authorized to require that notice be given by a council of any proposal to incur a debt that requires Board approval.

except as to the availability of any sinking funds applicable to any particular issue of debentures.

(2) Subsection 124 (15) of the said Act is repealed.

s. 124 (15),
repealed

9.—(1) Subsection 143 (4) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act* may by by-law, without the assent of the electors” in the second, third and fourth lines and inserting in lieu thereof “may by by-law”.

s. 143 (4),
amended

(2) Subsection 143 (5) of the said Act is amended by striking out “without the assent of the electors” in the first and second lines.

s. 143 (5),
amended

(3) Subsection 143 (15) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines.

s. 143 (15),
amended

10. Clause 144 (a) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the first, second and third lines.

s. 144 (a),
amended

11.—(1) Subsection 146 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second and third lines.

s. 146 (1),
amended

(2) Clause 146 (2) (b) of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “8”.

s. 146 (2) (b),
amended

12.—(1) Subsection 147 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines.

s. 147 (1),
amended

(2) Clause 147 (2) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 147 (2) (b),
amended

13.—(1) Subsection 149 (1) of the said Act is repealed and the following substituted therefor:

s. 149 (1),
re-enacted

(1) Subject to the limitations in this or any other Act, a municipal corporation may incur a debt for the purposes of the municipality whether under this or under any other Act.

Corporation
may incur
debt

(2) Subsection 149 (2) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

s. 149 (2),
amended

O.M.B.
approval
not required
R.S.O. 1980,
c. 347

(2) Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by the municipality, corporation or any other municipal corporation,

s. 149 (3),
re-enacted

(3) Subsection 149 (3) of the said Act is repealed and the following substituted therefor:

Notice

(3) Where a municipal corporation applies to the Municipal Board for the approval of the incurring of a debt, the Board may direct that notice of the proposal to incur the debt be given in such manner as the Board may require and that the notice state that anyone objecting to the proposal may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipal corporation an objection to the proposal and the clerk shall forthwith forward a copy of the objection to the secretary of the Board.

s. 150 (1),
re-enacted

14. Subsection 150 (1) of the said Act is repealed and the following substituted therefor:

Contracts for
supply of
public utility
R.S.O. 1980,
c. 303

(1) A municipal corporation may enter into a contract for the supply of any service of a public utility as defined in the *Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may renew such contract from time to time for such further term of years as the Municipal Board may approve.

s. 151 (1),
re-enacted

15. Subsection 151 (1) of the said Act is repealed and the following substituted therefor:

Special
power of
county to
borrow

(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure.

s. 152 (1),
amended

16.—(1) Subsection 152 (1) of the said Act is amended by striking out “without the assent of the electors” in the seventh and eighth lines.

s. 152 (2),
repealed

(2) Subsection 152 (2) of the said Act is repealed.

s. 155,
amended

17. Section 155 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$100” in the sixth and seventh lines.

SECTION 14 AND 15. See Note for section 1.

SECTION 16.—Subsection 1. See Note for section 1.

Subsection 2. The repeal of subsection 152 (2) removes the minimum population requirement with respect to debentures that have a varying interest rate.

SECTION 17. See Note for section 6.

SECTION 18. The proposed section 160*a* exempts non-profit hospital service corporations from municipal and school taxation and provides for payments by the Minister in lieu of the municipal taxes.

SECTION 19. Under the proposed amendment to subsection 170 (2) of the Act, all local municipalities will have the power to place moneys not immediately required for the purposes for which debentures were sold to be invested in the general funds of the municipality until such time as they are needed for the purposes for which the debentures were issued.

SECTION 20. See Note for section 6.

SECTION 21. See Note for section 1.

SECTION 22.—Subsection 1. See Note for section 1.

- 18.** The said Act is further amended by adding thereto the following section: s. 160*a*,
enacted

160*a*.—(1) In this section, “non-profit hospital service corporation” means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*. Interpre-
tation

R. S. O. 1980,
c. 410

(2) Real property occupied by a non-profit hospital service corporation and used chiefly and preponderantly by the corporation for one or both of the services mentioned in subsection (1) is exempt from taxation for municipal and school purposes but is not exempt from a sewage service rate that is imposed under subsection 218 (16) and that is based on the water rate. Tax
exemption

(3) In each year, the Minister may pay to a local municipality, in which there is real property exempted from taxation under subsection (2), an amount equal to the taxes for municipal purposes that would have been payable in respect of that real property in that year if the real property had been subject to municipal taxation. Payment
in lieu
of taxes

(4) Subsections 160 (12) to (19) apply with necessary modifications to an amount paid by the Minister to a local municipality under subsection (3) as though such amount were an amount levied by that local municipality under section 160. Apportion-
ment

(5) For the purposes of subclause 365 (1) (j) (iii) an amount paid by the Minister to a local municipality under subsection (3) shall be deemed to have been received by the municipality under section 160. Idem

- 19.** Subsection 170 (2) of the said Act is amended by striking out “having a population of not less than 20,000, as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 170 (2),
amended

- 20.** Subsection 178 (2) of the said Act is repealed and the following substituted therefor: s. 178 (2),
re-enacted

(2) Every treasurer who contravenes subsection (1) is guilty of an offence. Offence

- 21.** Subsection 196 (10) of the said Act is amended by striking out “without the assent of the electors and” in the first and second lines. s. 196 (10),
amended

- 22.**—(1) Clause (a) of paragraph 25 of section 208 of the said Act is repealed. s. 208,
par. 25 (a),
repealed

s. 208,
par. 43 (*d*),
amended

- (2) Clause (*d*) of paragraph 43 of the said section 208 is amended by striking out “and on conviction is liable to a penalty of not more than \$50” in the sixth and seventh lines.

s. 208,
par. 56 (*a*),
re-enacted;
par. 56 (*b*, *e*),
repealed
Incorporation
and members

- (3) Clauses (*a*), (*b*) and (*e*) of paragraph 56 of the said section 208 are repealed and the following substituted therefor:

(a) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be either a member of the council of the municipality or qualified to be elected as a member thereof, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.

s. 208, par. 57,
amended

- (4) Paragraph 57 of the said section 208, exclusive of the clauses, is repealed and the following substituted therefor:

Special
undertakings

57. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community recreation centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality and any such undertaking may be for the purpose of commemorating or honouring persons or events.

s. 210, par. 49,
amended

- 23.—**(1) Clause (*a*) of subparagraph v of paragraph 49 of section 210 of the said Act is repealed.

s. 210,
par. 51 (*b*),
repealed

- (2) Clause (*b*) of paragraph 51 of the said section 210 is repealed.

s. 210,
par. 92 (*a*),
repealed

- (3) Clause (*a*) of paragraph 92 of the said section 210 is repealed.

s. 210, par. 94,
re-enacted

- (4) Paragraph 94 of the said section 210 is repealed and the following substituted therefor:

Slaughter
houses

94. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, but this paragraph does not apply to the slaughter of animals on land assessed as farm property for the use of the occupants of the property.

Subsection 2. See Note for section 6.

Subsection 3. The proposed re-enactment of clause (a) of paragraph 56 of section 208 of the Act and repeal of clause (b) will enable members of council to be members of a parking authority. At present, under clause (b), members of council are ineligible to be appointed as members of a parking authority. Under section 240 of the Act, council may provide for the remuneration of the members of local boards. Therefore, it is proposed that clause (e) be repealed because it is redundant.

Subsection 4. The amendment to paragraph 57 clarifies that an undertaking under this paragraph may commemorate or honour any person or event.

SECTION 23.—Subsections 1 to 3. See Note for section 1.

Subsection 4. At present any person living in a town, village or township may slaughter animals for his own use on his own premises. Under the proposed re-enactment of paragraph 94 of section 210 of the Act, municipalities will be able to prohibit any person, except a farmer, from slaughtering animals on his own premises.

SECTION 24.—Subsection 1. The proposed re-enactment of clause 218 (7) (d) of the Act authorizes every municipality to compute its sewer rate on the basis of the assessed value of the land or on the assessed value of the land and on the business assessment levied against the person occupying or using the lands. At present, clause (d) restricts the computation of sewer rates to the assessed value of the lands.

Subsection 2. The proposed clause 218 (14) (c) will permit municipalities to provide for increased sewer and water rates for triangular or irregularly shaped lots.

Subsection 3. At present, only persons subject to a frontage rate may commute their sewer or water rates. Under the proposed re-enactment, all persons will be able to do so if the municipality so provides by by-law.

Subsection 4. Self-explanatory.

SECTION 25. Paragraph 6 of section 225 is considered to be obsolete and it is therefore proposed that the paragraph be repealed. The said paragraph enables county councils to pass by-laws related to the destruction and disposal of the refuse obtained in the process of cleaning grass or clover seed.

SECTION 26. The proposed re-enactment of subsection 272 (1) deletes an obsolete reference to toll roads.

SECTION 27. Section 287 authorizes municipalities to raise money for the reflooring of bridges by the issue of debentures. Municipalities have such powers under other provisions of the Act. Therefore, section 287 is redundant and it is proposed that the section be repealed.

24.—(1) Clause 218 (7) (d) of the said Act is repealed and the following substituted therefor: s. 218 (7) (d),
re-enacted

(d) Either a mill rate on the assessed value of the lands designated under subsection (4) or a mill rate on the assessed value of the lands designated under subsection (4) and on the business assessment assessed against persons occupying or using the lands for the purpose of or in connection with a business.

(2) Subsection 218 (14) of the said Act is amended by adding thereto the following clause: s. 218 (14),
amended

(c) provide for increasing the metre frontage rate upon lands that are triangular or irregularly shaped and for terminating the increased rate upon a basis that is equitable and just.

(3) Subsection 218 (15) of the said Act is repealed and the following substituted therefor: s. 218 (15),
re-enacted

(15) The council may by a general by-law or by a by-law applicable to the particular work prescribe terms and conditions upon which persons whose lands are liable to a sewer rate or water works rate imposed by a by-law under this section may commute such rate for a payment in cash. Commutation

(4) A by-law passed under subsection 218 (2) of the *Municipal Act*, or a predecessor thereof, prior to the coming into force of this section, is not invalid by reason only of the fact that the sewer rate or a water works rate imposed by it has been computed on the basis of a mill rate on the assessed value of lands and on the business assessment assessed against persons occupying or using such lands for the purpose of or in connection with a business and, in such case, the rate shall continue to be computed in the same manner until the by-law is repealed or amended to provide otherwise. Saving
R.S.O. 1980,
c. 302

25. Paragraph 6 of section 225 of the said Act is repealed. s. 225, par. 6,
repealed

26. Subsection 272 (1) of the said Act is repealed and the following substituted therefor: s. 272 (1),
re-enacted

(1) The council of a county may by by-law abandon the whole or any part of any road owned by it, whether the road is situated wholly within the county or partly within it and partly within an adjoining county. Abandonment
by county
of roads

27.—(1) Section 287 of the said Act is repealed. s. 287,
repealed

Saving
R.S.O. 1980,
c. 302

- (2) The repeal of section 287 of the *Municipal Act* does not affect the rights of any person arising from debentures issued under a by-law passed under that section prior to the coming into force of this section.

s. 298 (1) (f),
re-enacted

- 28.** Clause 298 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) for permitting subways under and bridges over any highway upon such conditions as the council considers advisable.

s. 312,
repealed

- 29.**—(1) Section 312 of the said Act is repealed.

Saving

- (2) The repeal of section 312 of the *Municipal Act* does not affect the rights of any municipality arising from shares held by the municipality or the rights or obligations of the municipality in respect of loans or guarantees made by it where the shares were subscribed or the loans or guarantees were made under a by-law passed under that section prior to the coming into force of this section.

s. 342 (1),
amended

- 30.** Subsection 342 (1) of the said Act is amended by striking out “shall submit for the assent of the electors of the village and, if it receives such assent” in the third and fourth lines.

s. 343 (4),
repealed

- 31.** Subsection 343 (4) of the said Act is repealed.

s. 345 (1),
re-enacted

- 32.**—(1) Subsection 345 (1) of the said Act is repealed and the following substituted therefor:

Acquiring
land for
parks,
exhibitions,
etc.

(1) Upon the petition of three-fourths of the persons qualified to vote at an election of trustees for a police village, the council of the township in which the police village is situate may pass a by-law for acquiring land within or outside the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council considers necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

s. 345 (6),
repealed

- (2) Subsection 345 (6) of the said Act is repealed.

s. 346,
re-enacted

- 33.** Section 346 of the said Act is repealed and the following substituted therefor:

Trustees to
pass money
by-laws where
village situate
in two or more
townships

346.—(1) Notwithstanding sections 342, 343 and 344, where a police village comprises parts of two or more townships the trustees of the police village have all the powers of a council of a village to pass by-laws for the purposes mentioned in those sec-

SECTION 28. The proposed re-enactment of clause 298 (1) (*f*) of the Act broadens the powers of municipalities to permit subways under and bridges over highways. At present, such subways and bridges must be used for the movement of cattle.

SECTION 29. Section 312 of the Act authorizes municipalities to invest in, lend money to, and guarantee the loans of bridge companies. It is proposed to repeal the section. All existing investments, loans and guarantees will be preserved.

SECTIONS 30 TO 33. The proposed amendments to sections 342, 343, 345 and 346 of the Act all relate to police villages and have the same effect as the amendments, re-enactments and repeals referred to in the Note for section 1.

SECTIONS 34 TO 36. The amendments to sections 379, 380 and 386 replace the words "cities, towns, villages and townships" with the term "local municipalities" which is defined in paragraph 11 of section 1 of the Act.

SECTION 37. See Note for section 6.

tions, but this subsection does not authorize the trustees of a police village to issue debentures.

(2) A by-law passed under subsection (1) shall fix the proportion of the debt for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 336 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 337. Proportions of debt

(3) The trustees shall serve a certified copy of a by-law passed under subsection (1) upon the clerk of each of the townships within which a part of the police village is situate. Certified copy for each township

(4) The council of each township shall forthwith thereafter pass a by-law for raising the amount that is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it is not necessary that such by-law impose any rate for the payment of the debentures. By-law of township for raising money

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. Special rates

34.—(1) Subsection 379 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (1), amended

(2) Subsection 379 (2) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (2), amended

35. Subsection 380 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first and second lines and inserting in lieu thereof “local municipalities”. s. 380 (1), amended

36. Subsection 386 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 386 (1), amended

37. Section 473 of the said Act is repealed and the following substituted therefor: s. 473, re-enacted

473. Every treasurer, clerk or other officer who refuses or neglects to perform any duty required of him by this Part is guilty of an offence. Offence for officers failing to perform their duty

s. 474,
repealed

38. Section 474 of the said Act is repealed.

s. 483,
amended

39. Section 483 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$200” in the third and fourth lines.

Commence-
ment

40. This Act comes into force on the day it receives Royal Assent.

Short title

41. The short title of this Act is the *Municipal Amendment Act, 1982*.

SECTION 38. Section 474 of the Act creates an offence with respect to fraud by municipal officers. Sections 111 and 112 of the *Criminal Code* (Canada) relate to fraud involving public officers and municipal officials. Section 474 is therefore considered to be redundant and is repealed.

SECTION 39. See Note for section 6.

An Act to amend the Municipal Act

1st Reading

June 17th, 1982

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Government Bill)

BILL 150

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE COUNCIL

An Act to amend the Municipal Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Reprinted as amended by the Committee of the Whole House)



TORONTO

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EXPLANATORY NOTES

SECTION 1. The re-enactment of paragraph 8 of section 1 of the Act is complementary to the re-enactment of subsection 149 (1) of the Act as set out in section 14 of the Bill. The re-enactment of section 149 will remove the requirement for the assent of the electors with respect to money by-laws related to debts to be incurred beyond the life of the council. As a result, several provisions of the Act are amended, re-enacted or repealed to delete references to the assent of the electors and delete references to electors entitled to vote on money by-laws.

SECTION 2. Section 24 of the Act, which authorizes the establishment of inter-urban administrative areas, is considered to be archaic. Therefore, it is proposed that section 24 be repealed.

SECTION 3. The amendment to subsection 25 (6) removes the requirement that the Municipal Board send notice to the Minister of Health when an application is made to dissolve a municipality or local board.

SECTION 4. The repeal of section 74 removes the authority of a mayor to call out the *posse comitatus*. The power is considered to be obsolete. *Posse comitatus* is defined in Jowitt's *Dictionary of English Law* (2nd Ed.) as follows:

. . . , the power of the county; an assemblage of the able-bodied male inhabitants above the age of fifteen of a county, except peers and clergymen. The sheriff of the county may summon the *posse comitatus* to defend the county against the enemies of the Crown, or to keep the peace, or to pursue felons, or to enforce the royal writ. Persons failing to obey the summons are liable to fine and imprisonment. The use of the *posse* fell into disuse as the result of the establishment of the police forces during the last century: but the power to call out the *posse* remained in law until the repeal of the *Sheriffs Act*, [U.K.] 1887, s. 8 (1) by the *Criminal Law Act*, [U.K.] 1967, Sch. 3.

SECTION 5. The repeal of subsection 81 (5) removes the prohibition against council members receiving money from the municipal treasurer for work done. In light of the *Municipal Conflict of Interest Act*, subsection 81 (5) is considered to be unnecessary.

SECTION 6. Various provisions of the Act provide for fines for persons who contravene particular provisions of the Act. These provisions are inconsistent. Under the proposed re-enactment of subsection 84 (2) and amendments to several other sections, as set out in this Bill, persons who contravene the particular provisions of the Act will be liable to the general penalty provisions of the *Provincial Offences Act*.

SECTION 7. The proposed section 104a provides for the use of the English and French languages by municipalities.

Subsections 104a (1) and (2) provide that by-laws, resolutions and official plans may be in English or both English and French.

BILL 150

1982

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
 8. "electors", when applied to a municipal election, means the persons entitled to vote at a municipal election and when applied to voting on any by-law or on a resolution or question, unless otherwise provided by the Act, by-law or other authority under which the vote is taken, means municipal electors.
2. Section 24 of the said Act is repealed. s. 24,
repealed
3. Subsection 25 (6) of the said Act is amended by striking out "which shall in every case include a written notice to the Minister of Health" in the third, fourth and fifth lines. s. 25 (6),
amended
4. Section 74 of the said Act is repealed. s. 74,
repealed
5. Subsection 81 (5) of the said Act is repealed. s. 81 (5),
repealed
6. Subsection 84 (2) of the said Act is repealed and the following substituted therefor: s. 84 (2),
re-enacted
 - (2) Every treasurer who contravenes subsection (1) is guilty of an offence. Offence
7. The said Act is amended by adding thereto the following section: s. 104a,
enacted
 - 104a.—(1) Every council may pass its by-laws and resolutions in English or in both English and French. English and
French
by-laws and
resolutions
 - (2) Every council may adopt an official plan that is in English or that is in both English and French. Official
plans

Proceedings
of council

(3) Every council and every committee of council may conduct its proceedings in English or French or in both English and French.

Minutes

(4) Notwithstanding subsection (3), the minutes of the proceedings of council and all committees of council shall be kept in English or, where so authorized by a by-law of the council, in both English and French.

Conduct of
affairs, etc.,
of municipality

(5) Unless otherwise directed by a by-law of the council, the officers and servants of a municipality may conduct the business and affairs of the municipality in such language, including a language other than English or French, as may be reasonable in the circumstances.

Proviso

(6) Nothing in this section,

(a) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any form, book, document or other paper of any kind in the language or languages specified by or under the Act;

(b) affects any requirement at law to give reasonable notice.

Translations

(7) Where any form, book, document or other paper of any kind is submitted by a municipality to a ministry of the Government of Ontario in French, the municipality shall, at the request of the minister of the ministry to which the form, book, document or other paper was submitted, supply the minister with an English translation thereof.

s. 124 (12),
re-enacted

8.—(1) Subsection 124 (12) of the said Act is repealed and the following substituted therefor:

Joint and
several
liability

(12) All debentures issued under the authority of this section are direct, joint and several obligations of the municipality and the school board, and, in the case of debentures issued by a regional or district municipality or the County of Oxford, are direct, joint and several obligations of that municipality, the school board and the area municipalities as defined in the Act establishing that municipality, but nothing in this subsection affects the rights of that municipality, the school board and such area municipalities as among themselves.

Ranking of
debentures

(12a) Notwithstanding any general or special Act or any differences in date of issue or maturity, every debenture issued by a municipality under the authority of this section shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the municipality,

Subsection 104a (3) provides that every council may conduct its proceedings and the proceedings of its committees in English or French or in both English and French.

Subsection 104a (4) requires that the minutes of council and its committees must be in English unless the council has authorized bilingual minutes.

Subsection 104a (5) clarifies that the officers and servants of a municipality may carry out the business and affairs of the municipality in such language as may be reasonable in the circumstances. The language may be a language other than English or French.

Subsection 104a (6) safeguards requirements arising under statutes that a particular language be used. For example, clause 14 (2) (h) of the *Occupational Health and Safety Act* provides that:

“ . . . an employer shall,

(h) *post, in the work place, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the work place, outlining the rights, responsibilities and duties of workers”.*

Subsection 104a (6) also safeguards requirements imposed at law to give reasonable notice. While this duty is set out in the *Statutory Powers Procedure Act* with respect to hearings to which that Act applies, there are also proceedings to which the common law applies for which reasonable notice must be given.

Subsection 104a (7) allows a Minister of the Crown to require that the documents prepared in French submitted to his or her Ministry be submitted with an English translation.

SECTION 8.—Subsection 1. The re-enactment of subsection 124 (12) splits the present subsection (12) into two subsections and extends the effect of the present subsection (12) to provide that debentures issued by a regional or district municipality or the County of Oxford on behalf of a school board are a liability of all the area municipalities within that municipality.

Subsection 2. See Note for section 1.

SECTION 9. The amendment to section 143 removes the minimum population requirements with respect to the issuing of instalment debentures and replacement debentures. References to the assent of the electors are also deleted. (See Note for section 1).

SECTION 10. See Note for section 1.

SECTION 11. The amendment to clause 144 (a) removes the minimum population requirement for the issuing of debentures redeemable by lot.

SECTION 12. The amendment to subsection 146 (1) removes the minimum population requirement for the issuing of sinking fund debentures.

The amendment to clause 146 (2) (b) decreases the amount required to be raised in each year for sinking fund debentures.

SECTION 13. The amendment to subsection 147 (1) removes the minimum population requirement for the issuing of term debentures.

The amendment to clause 147 (2) (b) decreases the amount required to be raised in each year for a term debenture retirement fund.

SECTION 14. The requirement for the assent of the electors with respect to debts to be incurred beyond the term of the council is deleted. The Municipal Board will be authorized to require that notice be given by a council of any proposal to incur a debt that requires Board approval.

except as to the availability of any sinking funds applicable to any particular issue of debentures.

(2) Subsection 124 (15) of the said Act is repealed. s. 124 (15),
repealed

9.—(1) Subsection 143 (4) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act* may by by-law, without the assent of the electors” in the second, third and fourth lines and inserting in lieu thereof “may by by-law”. s. 143 (4),
amended

(2) Subsection 143 (5) of the said Act is amended by striking out “without the assent of the electors” in the first and second lines. s. 143 (5),
amended

(3) Subsection 143 (15) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 143 (15),
amended



10.—(1) Subsection 143a (1) of the said Act, as enacted by section 6 of the Statutes of Ontario, 1982, chapter 24, is amended by striking out “which by-law shall not require the assent of the electors” in the third and fourth lines. s. 143a (1),
amended

(2) Subsection 143a (13) of the said Act is amended by striking out “the assent of the electors and” in the second line. s. 143a (13),
amended

11. Clause 144 (a) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the first, second and third lines. s. 144 (a),
amended

12.—(1) Subsection 146 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second and third lines. s. 146 (1),
amended

(2) Clause 146 (2) (b) of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “8”. s. 146 (2) (b),
amended

13.—(1) Subsection 147 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 147 (1),
amended

(2) Clause 147 (2) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 147 (2) (b),
amended

14.—(1) Subsection 149 (1) of the said Act is repealed and the following substituted therefor: s. 149 (1),
re-enacted

Corporation
may incur
debt

(1) Subject to the limitations in this or any other Act, a municipal corporation may incur a debt for the purposes of the municipality whether under this or under any other Act.

s. 149 (2),
amended

(2) Subsection 149 (2) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

O.M.B.
approval
not required
R.S.O. 1980,
c. 347

(2) Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by the municipality, corporation or any other municipal corporation,

s. 149 (3),
re-enacted

(3) Subsection 149 (3) of the said Act is repealed and the following substituted therefor:

Notice

(3) Where a municipal corporation applies to the Municipal Board for the approval of the incurring of a debt, the Board may direct that notice of the proposal to incur the debt be given in such manner as the Board may require and that the notice state that anyone objecting to the proposal may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipal corporation an objection to the proposal and the clerk shall forthwith forward a copy of the objection to the secretary of the Board.

s. 150 (1),
re-enacted

15. Subsection 150 (1) of the said Act is repealed and the following substituted therefor:

Contracts for
supply of
public utility
R.S.O. 1980,
c. 303

(1) A municipal corporation may enter into a contract for the supply of any service of a public utility as defined in the *Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may renew such contract from time to time for such further term of years as the Municipal Board may approve.

s. 151 (1),
re-enacted

16. Subsection 151 (1) of the said Act is repealed and the following substituted therefor:

Special
power of
county to
borrow

(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure.

s. 152 (1),
amended

17.—(1) Subsection 152 (1) of the said Act is amended by striking out "without the assent of the electors" in the seventh and eighth lines.

SECTION 15 AND 16. See Note for section 1.

SECTION 17.—Subsection 1. See Note for section 1.

Subsection 2. The repeal of subsection 152 (2) removes the minimum population requirement with respect to debentures that have a varying interest rate.

SECTION 18. See Note for section 6.

SECTION 19. The proposed section 160*a* exempts non-profit hospital service corporations from municipal and school taxation and provides for payments by the Minister in lieu of the municipal taxes.

SECTION 20. Under the proposed amendment to subsection 170 (2) of the Act, all local municipalities will have the power to place moneys not immediately required for the purposes for which debentures were sold to be invested in the general funds of the municipality until such time as they are needed for the purposes for which the debentures were issued.

SECTION 21. See Note for section 6.

(2) Subsection 152 (2) of the said Act is repealed.

s. 152 (2),
repealed

18. Section 155 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$100” in the sixth and seventh lines.

s. 155,
amended

19. The said Act is further amended by adding thereto the following section:

s. 160a,
enacted

160a.—(1) In this section, “non-profit hospital service corporation” means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*.

Interpre-
tation

R.S.O. 1980,
c. 410

(2) Real property occupied by a non-profit hospital service corporation and used chiefly and preponderantly by the corporation for one or both of the services mentioned in subsection (1) is exempt from taxation for municipal and school purposes but is not exempt from a sewage service rate that is imposed under subsection 218 (16) and that is based on the water rate.

Tax
exemption

(3) In each year, the Minister may pay to a local municipality, in which there is real property exempted from taxation under subsection (2), an amount equal to the taxes for municipal purposes that would have been payable in respect of that real property in that year if the real property had been subject to municipal taxation.

Payment
in lieu
of taxes

(4) Subsections 160 (12) to (19) apply with necessary modifications to an amount paid by the Minister to a local municipality under subsection (3) as though such amount were an amount levied by that local municipality under section 160.

Apportion-
ment

(5) For the purposes of subclause 365 (1) (j) (iii) an amount paid by the Minister to a local municipality under subsection (3) shall be deemed to have been received by the municipality under section 160.

Idem

20. Subsection 170 (2) of the said Act is amended by striking out “having a population of not less than 20,000, as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines.

s. 170 (2),
amended

21. Subsection 178 (2) of the said Act is repealed and the following substituted therefor:

s. 178 (2),
re-enacted

(2) Every treasurer who contravenes subsection (1) is guilty of an offence.

Offence

s. 196 (10),
amended

22. Subsection 196 (10) of the said Act is amended by striking out “without the assent of the electors and” in the first and second lines.

s. 208,
par. 25 (a),
repealed

23.—(1) Clause (a) of paragraph 25 of section 208 of the said Act is repealed.

s. 208,
par. 43 (d),
amended

(2) Clause (d) of paragraph 43 of the said section 208 is amended by striking out “and on conviction is liable to a penalty of not more than \$50” in the sixth and seventh lines.

s. 208,
par. 56 (a),
re-enacted;
par. 56 (b, e),
repealed
Incorporation
and members

(3) Clauses (a), (b) and (e) of paragraph 56 of the said section 208 are repealed and the following substituted therefor:

(a) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be either a member of the council of the municipality or qualified to be elected as a member thereof, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.

s. 208, par. 57,
amended

(4) Paragraph 57 of the said section 208, exclusive of the clauses, is repealed and the following substituted therefor:

Special
undertakings

57. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community recreation centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality and any such undertaking may be for the purpose of commemorating or honouring persons or events.

s. 210, par. 49,
amended

24.—(1) Clause (a) of subparagraph v of paragraph 49 of section 210 of the said Act is repealed.

s. 210,
par. 51 (b),
repealed

(2) Clause (b) of paragraph 51 of the said section 210 is repealed.

s. 210,
par. 92 (a),
repealed

(3) Clause (a) of paragraph 92 of the said section 210 is repealed.

s. 210, par. 94,
re-enacted

(4) Paragraph 94 of the said section 210 is repealed and the following substituted therefor:

SECTION 22. See Note for section 1.

SECTION 23.—Subsection 1. See Note for section 1.

Subsection 2. See Note for section 6.

Subsection 3. The proposed re-enactment of clause (a) of paragraph 56 of section 208 of the Act and repeal of clause (b) will enable members of council to be members of a parking authority. At present, under clause (b), members of council are ineligible to be appointed as members of a parking authority. Under section 240 of the Act, council may provide for the remuneration of the members of local boards. Therefore, it is proposed that clause (e) be repealed because it is redundant.

Subsection 4. The amendment to paragraph 57 clarifies that an undertaking under this paragraph may commemorate or honour any person or event.

SECTION 24.—Subsections 1 to 3. See Note for section 1.

Subsection 4. At present any person living in a town, village or township may slaughter animals for his own use on his own premises. Under the proposed re-enactment of paragraph 94 of section 210 of the Act, municipalities will be able to prohibit any person, except a farmer, from slaughtering animals on his own premises.

SECTION 25.—Subsection 1. The proposed re-enactment of clause 218 (7) (*d*) of the Act authorizes every municipality to compute its sewer rate on the basis of the assessed value of the land or on the assessed value of the land and on the business assessment levied against the person occupying or using the lands. At present, clause (*d*) restricts the computation of sewer rates to the assessed value of the lands.

Subsection 2. The proposed clause 218 (14) (*c*) will permit municipalities to provide for increased sewer and water rates for triangular or irregularly shaped lots.

Subsection 3. At present, only persons subject to a frontage rate may commute their sewer or water rates. Under the proposed re-enactment, all persons will be able to do so if the municipality so provides by by-law.

Subsection 4. Self-explanatory.

SECTION 26. Paragraph 6 of section 225 is considered to be obsolete and it is therefore proposed that the paragraph be repealed. The said paragraph enables county councils to pass by-laws related to the destruction and disposal of the refuse obtained in the process of cleaning grass or clover seed.

SECTION 27. The proposed re-enactment of subsection 272 (1) deletes an obsolete reference to toll roads.

94. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, but this paragraph does not apply to the slaughter of animals on land assessed as farm property for the use of the occupants of the property.

25.—(1) Clause 218 (7) (d) of the said Act is repealed and the following substituted therefor: s. 218 (7) (d),
re-enacted

- (d) Either a mill rate on the assessed value of the lands designated under subsection (4) or a mill rate on the assessed value of the lands designated under subsection (4) and on the business assessment assessed against persons occupying or using the lands for the purpose of or in connection with a business.

(2) Subsection 218 (14) of the said Act is amended by adding thereto the following clause: s. 218 (14),
amended

- (c) provide for increasing the metre frontage rate upon lands that are triangular or irregularly shaped and for terminating the increased rate upon a basis that is equitable and just.

(3) Subsection 218 (15) of the said Act is repealed and the following substituted therefor: s. 218 (15),
re-enacted

(15) The council may by a general by-law or by a by-law applicable to the particular work prescribe terms and conditions upon which persons whose lands are liable to a sewer rate or water works rate imposed by a by-law under this section may commute such rate for a payment in cash. Commutation

(4) A by-law passed under subsection 218 (2) of the *Municipal Act*, or a predecessor thereof, prior to the coming into force of this section, is not invalid by reason only of the fact that the sewer rate or a water works rate imposed by it has been computed on the basis of a mill rate on the assessed value of lands and on the business assessment assessed against persons occupying or using such lands for the purpose of or in connection with a business and, in such case, the rate shall continue to be computed in the same manner until the by-law is repealed or amended to provide otherwise. Saving
R.S.O. 1980,
c. 302

26. Paragraph 6 of section 225 of the said Act is repealed.

s. 225, par. 6,
repealed

27. Subsection 272 (1) of the said Act is repealed and the following substituted therefor: s. 272 (1),
re-enacted

Abandonment
by county
of roads

(1) The council of a county may by by-law abandon the whole or any part of any road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

s. 287,
repealed

28.—(1) Section 287 of the said Act is repealed.

Saving
R.S.O. 1980,
c. 302

(2) The repeal of section 287 of the *Municipal Act* does not affect the rights of any person arising from debentures issued under a by-law passed under that section prior to the coming into force of this section.

s. 298 (1) (f),
re-enacted

29. Clause 298 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) for permitting subways under and bridges over any highway upon such conditions as the council considers advisable.

s. 312,
repealed

30.—(1) Section 312 of the said Act is repealed.

Saving

(2) The repeal of section 312 of the *Municipal Act* does not affect the rights of any municipality arising from shares held by the municipality or the rights or obligations of the municipality in respect of loans or guarantees made by it where the shares were subscribed or the loans or guarantees were made under a by-law passed under that section prior to the coming into force of this section.

s. 342 (1),
amended

31. Subsection 342 (1) of the said Act is amended by striking out “shall submit for the assent of the electors of the village and, if it receives such assent” in the third and fourth lines.

s. 343 (4),
repealed

32. Subsection 343 (4) of the said Act is repealed.

s. 345 (1),
re-enacted

33.—(1) Subsection 345 (1) of the said Act is repealed and the following substituted therefor:

Acquiring
land for
parks,
exhibitions,
etc.

(1) Upon the petition of three-fourths of the persons qualified to vote at an election of trustees for a police village, the council of the township in which the police village is situate may pass a by-law for acquiring land within or outside the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council considers necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

s. 345 (6),
repealed

(2) Subsection 345 (6) of the said Act is repealed.

SECTION 28. Section 287 authorizes municipalities to raise money for the reflooring of bridges by the issue of debentures. Municipalities have such powers under other provisions of the Act. Therefore, section 287 is redundant and it is proposed that the section be repealed.

SECTION 29. The proposed re-enactment of clause 298 (1) (f) of the Act broadens the powers of municipalities to permit subways under and bridges over highways. At present, such subways and bridges must be used for the movement of cattle.

SECTION 30. Section 312 of the Act authorizes municipalities to invest in, lend money to, and guarantee the loans of bridge companies. It is proposed to repeal the section. All existing investments, loans and guarantees will be preserved.

SECTIONS 31 TO 34. The proposed amendments to sections 342, 343, 345 and 346 of the Act all relate to police villages and have the same effect as the amendments, re-enactments and repeals referred to in the Note for section 1.

SECTIONS 35 TO 37. The amendments to sections 379, 380 and 386 replace the words "cities, towns, villages and townships" with the term "local municipalities" which is defined in paragraph 11 of section 1 of the Act.

34. Section 346 of the said Act is repealed and the following substituted therefor: s. 346,
re-enacted

346.—(1) Notwithstanding sections 342, 343 and 344, where a police village comprises parts of two or more townships the trustees of the police village have all the powers of a council of a village to pass by-laws for the purposes mentioned in those sections, but this subsection does not authorize the trustees of a police village to issue debentures. Trustees to
pass money
by-laws where
village situate
in two or more
townships

(2) A by-law passed under subsection (1) shall fix the proportion of the debt for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 336 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 337. Proportions
of debt

(3) The trustees shall serve a certified copy of a by-law passed under subsection (1) upon the clerk of each of the townships within which a part of the police village is situate. Certified
copy for each
township

(4) The council of each township shall forthwith thereafter pass a by-law for raising the amount that is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it is not necessary that such by-law impose any rate for the payment of the debentures. By-law of
township for
raising money

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. Special
rates

35.—(1) Subsection 379 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (1),
amended

(2) Subsection 379 (2) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (2),
amended

36. Subsection 380 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first and second lines and inserting in lieu thereof “local municipalities”. s. 380 (1),
amended

37. Subsection 386 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 386 (1),
amended

s. 473,
re-enacted

- 38.** Section 473 of the said Act is repealed and the following substituted therefor:

Offence for
officers
failing to
perform
their duty

473. Every treasurer, clerk or other officer who refuses or neglects to perform any duty required of him by this Part is guilty of an offence.

s. 474,
repealed

- 39.** Section 474 of the said Act is repealed.

s. 483,
amended

- 40.** Section 483 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$200" in the third and fourth lines.

Commence-
ment

- 41.** This Act comes into force on the day it receives Royal Assent.

Short title

- 42.** The short title of this Act is the *Municipal Amendment Act, 1982*.

SECTION 38. See Note for section 6.

SECTION 39. Section 474 of the Act creates an offence with respect to fraud by municipal officers. Sections 111 and 112 of the *Criminal Code* (Canada) relate to fraud involving public officers and municipal officials. Section 474 is therefore considered to be redundant and is repealed.

SECTION 40. See Note for section 6.

An Act to amend the Municipal Act

1st Reading

June 17th, 1982

2nd Reading

November 2nd, 1982

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 150

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Municipal Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



BILL 150

1982

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

8. "electors", when applied to a municipal election, means the persons entitled to vote at a municipal election and when applied to voting on any by-law or on a resolution or question, unless otherwise provided by the Act, by-law or other authority under which the vote is taken, means municipal electors.

2. Section 24 of the said Act is repealed.

s. 24,
repealed

3. Subsection 25 (6) of the said Act is amended by striking out "which shall in every case include a written notice to the Minister of Health" in the third, fourth and fifth lines.

s. 25 (6),
amended

4. Section 74 of the said Act is repealed.

s. 74,
repealed

5. Subsection 81 (5) of the said Act is repealed.

s. 81 (5),
repealed

6. Subsection 84 (2) of the said Act is repealed and the following substituted therefor:

s. 84 (2),
re-enacted

(2) Every treasurer who contravenes subsection (1) is guilty of Offence an offence.

7. The said Act is amended by adding thereto the following section:

s. 104a,
enacted

104a.—(1) Every council may pass its by-laws and resolutions in English or in both English and French.

English and
French
by-laws and
resolutions

(2) Every council may adopt an official plan that is in English or that is in both English and French.

Official
plans

Proceedings
of council

(3) Every council and every committee of council may conduct its proceedings in English or French or in both English and French.

Minutes

(4) Notwithstanding subsection (3), the minutes of the proceedings of council and all committees of council shall be kept in English or, where so authorized by a by-law of the council, in both English and French.

Conduct of
affairs, etc.,
of municipality

(5) Unless otherwise directed by a by-law of the council, the officers and servants of a municipality may conduct the business and affairs of the municipality in such language, including a language other than English or French, as may be reasonable in the circumstances.

Proviso

(6) Nothing in this section,

(a) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any form, book, document or other paper of any kind in the language or languages specified by or under the Act;

(b) affects any requirement at law to give reasonable notice.

Translations

(7) Where any form, book, document or other paper of any kind is submitted by a municipality to a ministry of the Government of Ontario in French, the municipality shall, at the request of the minister of the ministry to which the form, book, document or other paper was submitted, supply the minister with an English translation thereof.

s. 124 (12),
re-enacted

8.—(1) Subsection 124 (12) of the said Act is repealed and the following substituted therefor:

Joint and
several
liability

(12) All debentures issued under the authority of this section are direct, joint and several obligations of the municipality and the school board, and, in the case of debentures issued by a regional or district municipality or the County of Oxford, are direct, joint and several obligations of that municipality, the school board and the area municipalities as defined in the Act establishing that municipality, but nothing in this subsection affects the rights of that municipality, the school board and such area municipalities as among themselves.

Ranking of
debentures

(12a) Notwithstanding any general or special Act or any differences in date of issue or maturity, every debenture issued by a municipality under the authority of this section shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the municipality,

except as to the availability of any sinking funds applicable to any particular issue of debentures.

(2) Subsection 124 (15) of the said Act is repealed. s. 124 (15),
repealed

9.—(1) Subsection 143 (4) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act* may by by-law, without the assent of the electors” in the second, third and fourth lines and inserting in lieu thereof “may by by-law”. s. 143 (4),
amended

(2) Subsection 143 (5) of the said Act is amended by striking out “without the assent of the electors” in the first and second lines. s. 143 (5),
amended

(3) Subsection 143 (15) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 143 (15),
amended

10.—(1) Subsection 143a (1) of the said Act, as enacted by section 6 of the Statutes of Ontario, 1982, chapter 24, is amended by striking out “which by-law shall not require the assent of the electors” in the third and fourth lines. s. 143a (1),
amended

(2) Subsection 143a (13) of the said Act is amended by striking out “the assent of the electors and” in the second line. s. 143a (13),
amended

11. Clause 144 (a) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the first, second and third lines. s. 144 (a),
amended

12.—(1) Subsection 146 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second and third lines. s. 146 (1),
amended

(2) Clause 146 (2) (b) of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “8”. s. 146 (2) (b),
amended

13.—(1) Subsection 147 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 147 (1),
amended

(2) Clause 147 (2) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 147 (2) (b),
amended

14.—(1) Subsection 149 (1) of the said Act is repealed and the following substituted therefor: s. 149 (1),
re-enacted

Corporation
may incur
debt

(1) Subject to the limitations in this or any other Act, a municipal corporation may incur a debt for the purposes of the municipality whether under this or under any other Act.

s. 149 (2),
amended

(2) Subsection 149 (2) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

O.M.B.
approval
not required
R.S.O. 1980,
c. 347

(2) Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by the municipality, corporation or any other municipal corporation,

s. 149 (3),
re-enacted

(3) Subsection 149 (3) of the said Act is repealed and the following substituted therefor:

Notice

(3) Where a municipal corporation applies to the Municipal Board for the approval of the incurring of a debt, the Board may direct that notice of the proposal to incur the debt be given in such manner as the Board may require and that the notice state that anyone objecting to the proposal may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipal corporation an objection to the proposal and the clerk shall forthwith forward a copy of the objection to the secretary of the Board.

s. 150 (1),
re-enacted

15. Subsection 150 (1) of the said Act is repealed and the following substituted therefor:

Contracts for
supply of
public utility
R.S.O. 1980,
c. 303

(1) A municipal corporation may enter into a contract for the supply of any service of a public utility as defined in the *Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may renew such contract from time to time for such further term of years as the Municipal Board may approve.

s. 151 (1),
re-enacted

16. Subsection 151 (1) of the said Act is repealed and the following substituted therefor:

Special
power of
county to
borrow

(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure.

s. 152 (1),
amended

17.—(1) Subsection 152 (1) of the said Act is amended by striking out "without the assent of the electors" in the seventh and eighth lines.

(2) Subsection 152 (2) of the said Act is repealed.

s. 152 (2),
repealed

18. Section 155 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$100” in the sixth and seventh lines.

s. 155,
amended

19. The said Act is further amended by adding thereto the following section:

s. 160a,
enacted

160a.—(1) In this section, “non-profit hospital service corporation” means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*.

Interpre-
tation

R.S.O. 1980,
c. 410

(2) Real property occupied by a non-profit hospital service corporation and used chiefly and preponderantly by the corporation for one or both of the services mentioned in subsection (1) is exempt from taxation for municipal and school purposes but is not exempt from a sewage service rate that is imposed under subsection 218 (16) and that is based on the water rate.

Tax
exemption

(3) In each year, the Minister may pay to a local municipality, in which there is real property exempted from taxation under subsection (2), an amount equal to the taxes for municipal purposes that would have been payable in respect of that real property in that year if the real property had been subject to municipal taxation.

Payment
in lieu
of taxes

(4) Subsections 160 (12) to (19) apply with necessary modifications to an amount paid by the Minister to a local municipality under subsection (3) as though such amount were an amount levied by that local municipality under section 160.

Apportion-
ment

(5) For the purposes of subclause 365 (1) (j) (iii) an amount paid by the Minister to a local municipality under subsection (3) shall be deemed to have been received by the municipality under section 160.

Idem

20. Subsection 170 (2) of the said Act is amended by striking out “having a population of not less than 20,000, as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines.

s. 170 (2),
amended

21. Subsection 178 (2) of the said Act is repealed and the following substituted therefor:

s. 178 (2),
re-enacted

(2) Every treasurer who contravenes subsection (1) is guilty of an offence.

Offence

s. 196 (10),
amended

22. Subsection 196 (10) of the said Act is amended by striking out “without the assent of the electors and” in the first and second lines.

s. 208,
par. 25 (a),
repealed

23.—(1) Clause (a) of paragraph 25 of section 208 of the said Act is repealed.

s. 208,
par. 43 (d),
amended

(2) Clause (d) of paragraph 43 of the said section 208 is amended by striking out “and on conviction is liable to a penalty of not more than \$50” in the sixth and seventh lines.

s. 208,
par. 56 (a),
re-enacted;
par. 56 (b, e),
repealed
Incorporation
and members

(3) Clauses (a), (b) and (e) of paragraph 56 of the said section 208 are repealed and the following substituted therefor:

(a) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be either a member of the council of the municipality or qualified to be elected as a member thereof, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.

s. 208, par. 57,
amended

(4) Paragraph 57 of the said section 208, exclusive of the clauses, is repealed and the following substituted therefor:

Special
undertakings

57. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community recreation centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality and any such undertaking may be for the purpose of commemorating or honouring persons or events.

s. 210, par. 49,
amended

24.—(1) Clause (a) of subparagraph v of paragraph 49 of section 210 of the said Act is repealed.

s. 210,
par. 51 (b),
repealed

(2) Clause (b) of paragraph 51 of the said section 210 is repealed.

s. 210,
par. 92 (a),
repealed

(3) Clause (a) of paragraph 92 of the said section 210 is repealed.

s. 210, par. 94,
re-enacted

(4) Paragraph 94 of the said section 210 is repealed and the following substituted therefor:

94. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, but this paragraph does not apply to the slaughter of animals on land assessed as farm property for the use of the occupants of the property.

25.—(1) Clause 218 (7) (d) of the said Act is repealed and the following substituted therefor: s. 218 (7) (d),
re-enacted

- (d) Either a mill rate on the assessed value of the lands designated under subsection (4) or a mill rate on the assessed value of the lands designated under subsection (4) and on the business assessment assessed against persons occupying or using the lands for the purpose of or in connection with a business.

(2) Subsection 218 (14) of the said Act is amended by adding thereto the following clause: s. 218 (14),
amended

- (c) provide for increasing the metre frontage rate upon lands that are triangular or irregularly shaped and for terminating the increased rate upon a basis that is equitable and just.

(3) Subsection 218 (15) of the said Act is repealed and the following substituted therefor: s. 218 (15),
re-enacted

(15) The council may by a general by-law or by a by-law applicable to the particular work prescribe terms and conditions upon which persons whose lands are liable to a sewer rate or water works rate imposed by a by-law under this section may commute such rate for a payment in cash. Commutation

(4) A by-law passed under subsection 218 (2) of the *Municipal Act*, or a predecessor thereof, prior to the coming into force of this section, is not invalid by reason only of the fact that the sewer rate or a water works rate imposed by it has been computed on the basis of a mill rate on the assessed value of lands and on the business assessment assessed against persons occupying or using such lands for the purpose of or in connection with a business and, in such case, the rate shall continue to be computed in the same manner until the by-law is repealed or amended to provide otherwise. Saving
R.S.O. 1980,
c. 302

26. Paragraph 6 of section 225 of the said Act is repealed.

s. 225, par. 6,
repealed

27. Subsection 272 (1) of the said Act is repealed and the following substituted therefor:

s. 272 (1),
re-enacted

Abandonment
by county
of roads

(1) The council of a county may by by-law abandon the whole or any part of any road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

s. 287,
repealed

28.—(1) Section 287 of the said Act is repealed.

Saving
R.S.O. 1980,
c. 302

(2) The repeal of section 287 of the *Municipal Act* does not affect the rights of any person arising from debentures issued under a by-law passed under that section prior to the coming into force of this section.

s. 298 (1) (f),
re-enacted

29. Clause 298 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) for permitting subways under and bridges over any highway upon such conditions as the council considers advisable.

s. 312,
repealed

30.—(1) Section 312 of the said Act is repealed.

Saving

(2) The repeal of section 312 of the *Municipal Act* does not affect the rights of any municipality arising from shares held by the municipality or the rights or obligations of the municipality in respect of loans or guarantees made by it where the shares were subscribed or the loans or guarantees were made under a by-law passed under that section prior to the coming into force of this section.

s. 342 (1),
amended

31. Subsection 342 (1) of the said Act is amended by striking out “shall submit for the assent of the electors of the village and, if it receives such assent” in the third and fourth lines.

s. 343 (4),
repealed

32. Subsection 343 (4) of the said Act is repealed.

s. 345 (1),
re-enacted

33.—(1) Subsection 345 (1) of the said Act is repealed and the following substituted therefor:

Acquiring
land for
parks,
exhibitions,
etc.

(1) Upon the petition of three-fourths of the persons qualified to vote at an election of trustees for a police village, the council of the township in which the police village is situate may pass a by-law for acquiring land within or outside the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council considers necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

s. 345 (6),
repealed

(2) Subsection 345 (6) of the said Act is repealed.

- 34.** Section 346 of the said Act is repealed and the following substituted therefor: s. 346.
re-enacted

346.—(1) Notwithstanding sections 342, 343 and 344, where a police village comprises parts of two or more townships the trustees of the police village have all the powers of a council of a village to pass by-laws for the purposes mentioned in those sections, but this subsection does not authorize the trustees of a police village to issue debentures. Trustees to pass money by-laws where village situate in two or more townships

(2) A by-law passed under subsection (1) shall fix the proportion of the debt for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 336 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 337. Proportions of debt

(3) The trustees shall serve a certified copy of a by-law passed under subsection (1) upon the clerk of each of the townships within which a part of the police village is situate. Certified copy for each township

(4) The council of each township shall forthwith thereafter pass a by-law for raising the amount that is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it is not necessary that such by-law impose any rate for the payment of the debentures. By-law of township for raising money

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. Special rates

- 35.**—(1) Subsection 379 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (1).
amended

(2) Subsection 379 (2) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (2).
amended

- 36.** Subsection 380 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first and second lines and inserting in lieu thereof “local municipalities”. s. 380 (1).
amended

- 37.** Subsection 386 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 386 (1).
amended

s. 473,
re-enacted

- 38.** Section 473 of the said Act is repealed and the following substituted therefor:

Offence for
officers
failing to
perform
their duty

473. Every treasurer, clerk or other officer who refuses or neglects to perform any duty required of him by this Part is guilty of an offence.

s. 474,
repealed

- 39.** Section 474 of the said Act is repealed.

s. 483,
amended

- 40.** Section 483 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$200" in the third and fourth lines.

Commence-
ment

- 41.** This Act comes into force on the day it receives Royal Assent.

Short title

- 42.** The short title of this Act is the *Municipal Amendment Act, 1982*.

An Act to amend the Municipal Act

1st Reading

June 17th, 1982

2nd Reading

November 2nd, 1982

3rd Reading

November 16th, 1982

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

BILL 151

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

**An Act to provide Temporary Relief to Mortgagors of
Residential Property in Ontario**

MR. RENWICK



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to protect homeowners in their homes by providing a moratorium until March 31st, 1984 on court proceedings for foreclosure, exercise of a power of sale or recovery of payments of principal and interest under a residential mortgage and by providing that any residential mortgage coming due before March 31st, 1984 shall continue in effect with the same terms and conditions until that date if the mortgagor so requires.



BILL 151

1982

An Act to provide Temporary Relief to Mortgagors of Residential Property in Ontario

WHEREAS the interest rate on mortgages of residential property in Ontario has attained unprecedented levels, and whereas there exists pressure for the continued upward movement in the interest rate; and whereas many mortgagors must refinance mortgages in the course of the next year; and whereas it is desirable to provide relief to mortgagors during this period of uncertainty until appropriate economic policies can be implemented to alleviate the current emergency situation;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “mortgage” means any mortgage of land or premises used for residential purposes made or executed before the 1st day of May, 1984, and includes any renewal or extension of the mortgage.

Interpre-
tation

2. No person shall take or continue any action or proceeding,

Proceedings
not to be
taken

- (a) by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any court for the recovery of principal money or interest secured by any mortgage of land;
- (b) under any power of sale or levy any distress or take, resume or enter into possession of any land for the recovery of principal money or interest under any power contained in a mortgage of land; or
- (c) for the recovery of any part of the principal money or interest secured by any mortgage of land payable by the mortgagor or by any other person as principal or guarantor upon any covenant or agreement or enforce by execution or other process any judgment obtained in respect of any such covenant or agreement,

until the 31st day of March, 1984.

Application
of s. 2

3. Section 2 applies only where,

- (a) the mortgagor resides upon or occupies the land or premises covered by the mortgage; and
- (b) default has been made in the payment of principal or interest by the mortgagor or any other person liable to make the payment under the mortgage.

Mortgage
continued at
mortgagor's
option

4. Where a mortgage is due to expire between the day on which this Act comes into force and the 31st day of March, 1984, if the mortgagor notifies the mortgagee in writing before the expiry date of the mortgage that the mortgagor wishes the mortgage to continue in effect with the same terms and conditions until the 31st day of March, 1984, the mortgage shall be deemed to continue in effect, with the same terms and conditions, until the 31st day of March, 1984.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Mortgagors' Relief Act, 1982*.

An Act to provide Temporary Relief to
Mortgagors of Residential Property
in Ontario

1st Reading

June 21st, 1982

2nd Reading

3rd Reading

MR. RENWICK

(Private Member's Bill)

BILL 152

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to establish The Electoral District of Queen's Park

MR. BREAGH



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides a special constituency, to be known as Queen's Park, for the Speaker of the Legislative Assembly of Ontario. The Speaker's term would continue through two successive Legislatures, beginning and ending at mid-session.

The total number of members would consequently be increased by one.

BILL 152

1982

An Act to establish The Electoral District of Queen's Park

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Representation Act*, being chapter 450 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 2,
re-enacted;
s. 2a,
enacted

2. The Legislative Assembly of Ontario shall consist of one hundred and twenty-six members. Number of
members

2a.—(1) The member for The Electoral District of Queen's Park shall be nominated and elected by the members of the Assembly from among themselves at the first meeting of the first session of the Thirty-Third Legislature, and the term of office of the member so elected expires on a day that is eighteen months after the member's election. Election of
member for
Queen's Park

(2) Upon the expiry of the term of office of the member for The Electoral District of Queen's Park, the members of the Assembly shall nominate and elect from among themselves a person to be the member for The Electoral District of Queen's Park for a term of office that expires on a day that is eighteen months after the general election next following the member's election. Idem

(3) The member for The Electoral District of Queen's Park may be re-elected in the same manner for one further term of office. Second
term

(4) The member for The Electoral District of Queen's Park is the Speaker of the Assembly and shall not hold another seat in the Assembly during his or her term of office as member for The Electoral District of Queen's Park. Member for
Queen's Park
to be Speaker

(5) If the seat for The Electoral District of Queen's Park becomes vacant before the expiry of the member's term of office, Vacancy

the members of the Assembly shall nominate and elect from among themselves a person to hold office for the unexpired portion of the term.

R.S.O. 1980,
c. 133 does
not apply

(6) The *Election Act* does not apply to the nomination and election of the member for The Electoral District of Queen's Park.

Schedule,
amended

- 2.—**(1) The Schedule to the said Act is amended by adding at the end of the description of The Electoral District of St. Andrew-St. Patrick "except the Chamber of the Legislative Assembly of Ontario and such other parts of the Legislative Building as are brought under the control of the Speaker under Section 94 of the *Legislative Assembly Act*".

R.S.O. 1980,
c. 235

Idem

- (2) The said Schedule is further amended by adding thereto the following:

THE ELECTORAL DISTRICT OF QUEEN'S PARK—
consists of the Chamber of the Legislative Assembly of Ontario and such other parts of the Legislative Building as are brought under the control of the Speaker under Section 94 of the *Legislative Assembly Act*.

Commence-
ment

- 3.** This Act comes into force on the day that the Thirty-Second Legislature is dissolved.

Short title

- 4.** The short title of this Act is the *Representation Amendment Act, 1982*.

An Act to establish
The Electoral District of Queen's Park

1st Reading

June 21st, 1982

2nd Reading

3rd Reading

MR. BREUGH

(Private Member's Bill)

BILL 153

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

**An Act to provide for the Fair Pricing of Products
and Services sold to Consumers in Ontario**

MR. SWART



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to require a fair price for every product and service sold to consumers in Ontario. Where a retail seller charges an unfair price, the Bill sets out procedures and remedies for ensuring compliance with the fair pricing requirement. The Bill provides for an appeal of fair pricing orders to The Commercial Registration Appeal Tribunal.

BILL 153

1982

An Act to provide for the Fair Pricing of Products and Services sold to Consumers in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director" means the Director under the *Ministry of Consumer and Commercial Relations Act*; R.S.O. 1980,
c. 274
- (b) "Minister" means the Minister of Consumer and Commercial Relations;
- (c) "product" means an item of goods;
- (d) "retail seller" means a person who offers a product or service for sale but not for resale;
- (e) "Tribunal" means The Commercial Registration Appeal Tribunal under the *Ministry of Consumer and Commercial Relations Act*.

2. Every retail seller of products and services in Ontario shall offer each product or service for sale at a price that is fair to the consumer having regard to the costs of producing, distributing and marketing the product or service.

Fair prices
required

3. Where, upon the complaint of a person or upon his own motion, the Director believes on reasonable and probable grounds that a retail seller is charging or has charged an unfair price for a product or service, the Director may order the retail seller to comply with section 2 in respect of the product or service specified in the order and the Director may, in the order, establish a fair price for the product or service.

Order to
cease
charging
unfair
price

Notice of
proposal

4.—(1) Where the Director proposes to make an order under section 3, he shall serve notice of his proposal on each person to be named in the order together with written reasons therefor.

Request for
hearing

(2) A notice under subsection (1) shall inform each person to be named in the order that he is entitled to a hearing by the Tribunal if he mails or delivers within fifteen days after the notice under subsection (1) is served on him notice in writing requiring a hearing to the Director and the Tribunal and he may so require such a hearing.

Failure to
request hearing

(3) Where a person upon whom a notice is served under subsection (1) does not require a hearing by the Tribunal in accordance with subsection (2), the Director may carry out the proposal stated in the notice.

Hearing

(4) Where a person requires a hearing by the Tribunal in accordance with subsection (2), the Tribunal shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or to refrain from carrying out his proposal and to take such action as the Tribunal considers the Director ought to take in accordance with this Act and the regulations and for such purposes the Tribunal may substitute its opinion for that of the Director.

Conditions

(5) The Tribunal may attach such terms and conditions to its order as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Director and the person who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Order for
immediate
compliance

5.—(1) Notwithstanding section 4, the Director may make an order under section 3 to take effect immediately where, in his opinion, to do so is necessary for the protection of the public and subject to subsections (3) and (4), the order takes effect immediately.

Notice
of order

(2) Where the Director makes an order under subsection (1), he shall serve each person named in the order with a copy of the order together with written reasons therefor, and a notice containing the information required to be in a notice referred to in subsections 4 (1) and (2).

Hearing

(3) Where a person named in the order requires a hearing by the Tribunal in accordance with the notice under subsection (2), the Tribunal shall appoint a time for and hold the hearing and may confirm or set aside the order or exercise such other powers as may be exercised in a proceeding under section 4.

(4) Where a hearing by the Tribunal is required, the order expires thirty days after the giving of the notice requiring the hearing but, where the hearing is commenced before the expiration of the order, the Tribunal may extend the time of expiration until the hearing is concluded. Expiration of order

(5) The Director and the person who has required the hearing and such other persons having a direct interest in the order as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

6. Notwithstanding that, under section 11 of the *Ministry of Consumer and Commercial Relations Act*, an appeal is taken from an order of the Tribunal made under section 4 or 5, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal. Stay R.S.O. 1980, c. 274

7.—(1) Any person against whom the Director proposes to make an order to comply with section 2 may enter into a written assurance of voluntary compliance in the prescribed form undertaking to not charge the specified unfair price after the date thereof. Assurance of voluntary compliance

(2) Where an assurance of voluntary compliance is accepted by the Director, the assurance has and shall be given for all purposes of this Act the force and effect of an order made by the Director. Assurance deemed order

8. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation as if it were an inquiry under that Act. Investigations by order of Minister R.S.O. 1980, c. 411

9. Any notice or document required by this Act to be served or given may be served or given personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date. Service of notice

10.—(1) Every person who, knowingly, Offences

(a) furnishes false information in an investigation under this Act;

(b) fails to comply with any order or assurance of voluntary compliance made or entered into under this Act; or

(c) obstructs a person making an investigation under section 8,

is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Every person who charges an unfair practice price knowing it to be an unfair price is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporation

(3) Where a corporation is convicted of an offence under subsection (1) or (2), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Directors
and
officers

(4) Where a corporation has been convicted of an offence under subsection (1) or (2),

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the *Fair Pricing Act, 1982*.

An Act to provide for the
Fair Pricing of Products and Services
sold to Consumers in Ontario

1st Reading

June 22nd, 1982

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

BILL 154

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Consumer Protection Act

MR. SWART



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to require that every product offered for sale bearing a product code must also be marked with its purchase price. The Bill prohibits increases in the purchase price of a product above the price initially marked on it by the retailer. The Bill also provides that if the price marked on the product differs from the price associated with the product code, the purchase price of the product is the lower of the two prices.

BILL 154

1982

An Act to amend the Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Consumer Protection Act*, being chapter 87 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 38a,
enacted

38a.—(1) In this section,

Interpre-
tation

- (a) “product” means an item of goods and includes a wrapper or container of goods;
- (b) “product code” means a marking on a product designed to be read by a computer device for the purpose of identifying the product and includes the universal product code;
- (c) “retail seller” means a person who offers a product for sale but not for resale.

(2) No retail seller shall offer for sale a product that is marked with a product code unless the purchase price of the product is clearly and legibly marked on the product. Purchase
price lower
marking
required

(3) No retail seller shall, at any time after a product is offered for sale, increase the purchase price of the product to a price higher than the purchase price initially marked on the product. Alteration of
purchase
price

(4) Where the purchase price marked on a product differs from the purchase price identified by a computer device, the purchase price of the product shall be the lower of the two prices. Purchase
price lower
of two
prices

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Consumer Protection Amendment Act, 1982*. Short title

BILL 154

An Act to amend the
Consumer Protection Act

1st Reading

June 22nd, 1982

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

BILL 155

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

**An Act to establish
The Automobile Insurance Rate Control Board**

MR. SWART



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes an automobile insurance rate control board that would have the power to approve and fix rates and to conduct public hearings dealing with rate increases.



BILL 155

1982

An Act to establish The Automobile Insurance Rate Control Board

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Board" means The Automobile Insurance Rate Control Board;

(b) "Minister" means the Minister of Consumer and Commercial Relations.

2.—(1) A board to be known as "The Automobile Insurance Rate Control Board" is hereby established. Board
established

(2) The Board shall be composed of not fewer than seven and not more than nine members appointed by the Lieutenant Governor in Council from among representatives of labour, consumer and other citizens' groups. Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Board. Chairman

4. Five members of the Board constitute a quorum. Quorum

5. The Lieutenant Governor in Council may fill any vacancy among the members of the Board. Vacancies

6. Subject to the provisions of the *Statutory Powers Procedure Act*, the Board may determine its own procedure for the conduct of hearings. Procedure
R.S.O. 1980,
c. 484

7. The objects of the Board are and it has power,

Objects
and
powers

(a) to fix rates applicable to automobile insurance generally and specifically between classifications;

(b) to approve automobile insurance rate increases; and

(c) to conduct public hearings with respect to applications by insurance companies for rate increases.

Decision
final

8. A decision of the Board under section 7 is final and not subject to appeal.

Annual
report

9. The Board shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the *Automobile Insurance Rate Control Act, 1982*.

An Act to establish The
Automobile Insurance Rate Control Board

1st Reading

June 22nd, 1982

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

7
BILL 156

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Milk Act

MR. SWART



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill would permit The Milk Commission of Ontario to determine prices at the retail as well as at the wholesale level for milk, skim milk, buttermilk, flavoured milk and cream.



BILL 156

1982

An Act to amend the Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 (1) of the *Milk Act*, being chapter 266 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph: s. 8 (1),
amended

16a. determining from time to time the maximum and minimum prices that shall be paid at the wholesale and retail levels for fluid milk products or any class, variety or size of fluid milk products, determining different maximum and minimum prices for different parts of Ontario, and prohibiting the sale of fluid milk products at prices above or below the applicable maximum or minimum prices.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Milk Amendment Act, 1982*. Short title

BILL 156

An Act to amend the Milk Act

1st Reading

June 22nd, 1982

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

BILL 157

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Boilers and Pressure Vessels Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Section 32 of the Act now provides that where a boiler, etc., is unsafe, no major repairs shall be made until an inspector has approved them and that the boiler, etc., is not to be put into operation again until a new inspection certificate is issued by the chief inspector.

The new provisions provide that where the boiler, etc., is insured, the insurer may perform the duties of the inspector and may issue the certificate.

SECTION 2. Section 36 of the Act deals with welding operators and their employment. The new provision clarifies the meaning of "employer".

SECTION 3. The addition to the authority to make regulations is complementary to section 1 of the Bill.

BILL 157

1982

An Act to amend the Boilers and Pressure Vessels Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of the *Boilers and Pressure Vessels Act*, being chapter 46 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 32,
re-enacted

32.—(1) Subject to subsections (2) and (3), where a boiler, pressure vessel or plant is found to be in an unsafe condition, no person shall make any major repairs thereto until he has notified an inspector of the nature and extent of such repairs and an inspector has concurred therewith, and the boiler, pressure vessel or plant shall not be put into operation or use until a further inspection by an inspector has been made and the chief inspector has issued a new certificate of inspection therefor. Repairs to
boilers, etc.,
found unsafe

(2) Where a boiler, pressure vessel or plant referred to in subsection (1) is insured, the concurrence and inspection required under subsection (1) may be made by or through the insurer and the insurer may issue a new certificate of inspection therefor. Idem

(3) The chief inspector may exempt in writing the owner of a plant that is normally operated twenty-four hours a day for seven days a week from the requirements of subsection (1) where he is satisfied that the repairs will be carried out in a safe and proper manner and subject to such terms and conditions as are prescribed in the regulations or required by the chief inspector. Exemption
by chief
inspector

2. Section 36 of the said Act is amended by adding thereto the following subsection: s. 36,
amended

(12) In this section, “employer” includes a trade association of persons or companies whose business includes welding. Interpretation

3. Section 42 of the said Act is amended by adding thereto the following clause: s. 42,
amended

(t) prescribing terms to which exemptions made under section 32 of the Act are subject.

Commence-
ment

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Boilers and Pressure Vessels Amendment Act, 1982*.

An Act to amend the
Boilers and Pressure Vessels Act

1st Reading

June 24th, 1982

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 158

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

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V2

An Act to amend the Collection Agencies Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



EXPLANATORY NOTE

The Act currently sets out, in section 22, certain prohibited practices. Clause 30 (*l*) authorizes the prohibition by regulation of certain methods of collecting debts.

The distinction between a practice and a method is not clear in all cases. Rather than have practices prohibited by the Act and methods prohibited by the regulations, the amendment would prohibit in the Act certain practices and methods. The practices to be prohibited are those currently set out in section 22 together with any that may be prescribed by regulation. The methods to be prohibited will be those prescribed by the regulations.

BILL 158

1982

An Act to amend the Collection Agencies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of the *Collection Agencies Act*, being chapter 73 of the Revised Statutes of Ontario, 1980, is amended by striking out "or" at the end of clause (c), by adding "or" at the end of clause (d) and by adding thereto the following clause:

s. 22,
amended

 - (e) engage in any prohibited practice or employ any prohibited method in the collection of debts.
2. Clause 30 (l) of the said Act is repealed and the following substituted therefor:

s. 30 (l),
re-enacted

 - (l) prescribing prohibited practices and methods for the purpose of section 22.
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. The short title of this Act is the *Collection Agencies Amendment Act, 1982*.

Short title

BILL 158

An Act to amend the
Collection Agencies Act

1st Reading

June 24th, 1982

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 159

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to revise the Planning Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



EXPLANATORY NOTES

The Bill is a revision of the *Planning Act*.

Many of the provisions of that Act, as they now exist, have been carried forward in the Bill, but within a re-organized format. The principal changes include:

1. Provincial interests in municipal planning are broadly identified to form a framework for local decision-making.
2. Provision is made for the Province to issue statements of policy, approved by the Lieutenant Governor in Council, on specific matters related to municipal planning.
3. The delegation of the powers of approval of the Minister of Municipal Affairs and Housing will be extended from regional municipalities to counties, cities outside of regional municipalities, separated towns, and other municipalities, provided specific criteria are met.
4. Provincial ministries, boards and agencies must consult and take local planning policies into account in carrying out activities that affect municipalities.
5. In southern Ontario, planning between two or more municipalities becomes a voluntary matter; in northern Ontario the existing provisions for joint planning remain.
6. Planning boards will no longer have a statutory role to plan in southern Ontario and this responsibility will rest directly with municipal councils.
7. Official plans will be focused primarily on physical matters, but attention will have to be paid to social, environmental and economic concerns in developing such plans.
8. Before adopting an official plan or zoning by-law, a municipality will have to hold a public meeting to discuss whether the proposed measures should be adopted.
9. Petitions to the Lieutenant Governor in Council on planning matters will be discontinued; instead the Municipal Board will hear and decide on most planning appeals, but the Minister will be able to define a matter to be of provincial interest in which case the Board holds a hearing and reports back to the Lieutenant Governor in Council who then makes the final decision.
10. If a matter of provincial interest, as set out in an approved policy statement, is at stake, the Minister may request a municipality to amend its official plan.
11. Once an upper-tier official plan has been approved, all lower-tier official plans and zoning by-laws must be brought into conformity with the upper-tier plan.
12. The existing system of controlling the development of land through zoning is retained, while being expanded and clarified to allow municipalities specific zoning controls in different types of by-laws.

13. With some exceptions in northern Ontario, land severances will be granted by regional municipalities, counties and cities outside of regions, with provision for regional municipalities and counties to delegate consents to any local municipality with the Minister's concurrence.
14. The matters to be considered in approving a subdivision plan have been expanded to include the effect of the physical layout on energy conservation measures.
15. Ontario Hydro will be exempt from the provisions of the Act, except for lands and buildings used for executive and administrative purposes and except for undertakings of Ontario Hydro, unless approved or exempted under the *Environmental Assessment Act*.
16. The penalties that can be imposed for the violation of municipal by-laws under the Act have been substantially increased.
17. The different time periods for notice, referral and appeal provided for throughout the Act have been made as consistent as possible.

Provision is made for the dissolution of planning areas and planning boards in southern Ontario and for their continuation in northern Ontario; for the continuation of official plans in effect prior to the coming into force of the new Act, and for the disposition of various matters and proceedings that have been commenced, but not completed, under the existing *Planning Act* prior to the coming into force of the new Act.

The Bill is divided into the following Parts:

	Pages
PART I — Provincial Administration	2—4
PART II — Local Planning Administration	5—7
PART III — Official Plans	7—16
PART IV — Community Improvement	16—27
PART V — Land Use Controls and Related Administration	27—50
PART VI — Subdivision of Land	50—67
PART VII — General	67—73

BILL 159

1982

An Act to revise the Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “committee of adjustment” means a committee of adjustment constituted under section 44;
- (b) “land division committee” means a land division committee constituted under section 56;
- (c) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (d) “local municipality” means a city, town, village and township;
- (e) “Minister” means the Minister of Municipal Affairs and Housing;
- (f) “Municipal Board” means the Ontario Municipal Board;
- (g) “municipality” means a local municipality, a county and a regional, metropolitan or district municipality;
- (h) “official plan” means a document approved by the Minister containing objectives and policies established primarily to provide guidance for the physical development of a municipality or a part thereof or an

area that is without municipal organization, while having regard to such social, economic and environmental matters as appear to be relevant;

- (i) "prescribed" means prescribed by the regulations;
- (j) "public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board;
- (k) "regulations" means regulations made under this Act.

PART I

PROVINCIAL ADMINISTRATION

Responsi-
bility of
Minister

2. The Minister, in carrying out his responsibilities under this Act, will have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of the natural environment, including the agricultural resource base of the Province, and the management of natural resources;
- (b) the protection of features of significant natural, architectural, historical or archaeological interest;
- (c) the supply, efficient use and conservation of energy;
- (d) the provision of major communication, servicing and transportation facilities;
- (e) the equitable distribution of educational, health and other social facilities;
- (f) the co-ordination of planning activities of municipalities and other public bodies;
- (g) the resolution of planning conflicts involving municipalities and other public bodies; and
- (h) the protection of the financial and economic well-being of the Province and its municipalities.

Policy
statements

3.—(1) The Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest, and any other minister of the Crown may, jointly with the Minister, issue such policy statements.

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement. Minister to confer

(3) Where a policy statement is issued under subsection (1), the Minister shall give notice or cause to be given notice thereof, in such manner as he considers appropriate, to all municipalities and to such other agencies or persons as he considers have an interest in the statement. Notice

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement. Idem

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1). Regard to be had to policy statements

4.—(1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council any of the Minister's authority under this Act, under section 50 of the *Condominium Act*, under subsection 298 (11) and subsection 306 (2) of the *Municipal Act*, under subsection 82 (3) of the *Registry Act* and under section 145 of the *Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board. Delegation of Minister's powers: to municipality R.S.O. 1980, cc. 84, 302, 445, 230

(2) The Minister may by order delegate to a planning board of a planning area in a territorial district any of the Minister's authority under this Act and where the Minister has delegated any such authority the planning board has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the planning board shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board. to planning board

(3) A delegation made by the Minister under subsection (1) or (2) may be subject to such conditions as the Minister may by order provide. Conditions

(4) The Minister may by order withdraw any delegation made under subsection (1) or (2) and, without limiting the generality of Withdrawal of delegation of powers

the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation, and immediately following any such withdrawal the council or the planning board, as the case may be, shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation or the planning board that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council or the planning board prior to such withdrawal.

Further
delegation
of powers

5.—(1) Where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(2) A delegation made by a council under subsection (1) may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 4.

Withdrawal of
delegation of
powers

(3) A council may by by-law withdraw any delegation made under subsection (1), whereupon the provisions of subsection 4 (4) apply with necessary modifications.

Interpre-
tation

6.—(1) In this section, “ministry” means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government and Ontario Hydro.

Consultation

(2) A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality.

Grants

7. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants of money to assist in the performing of any duty or function of a planning nature.

PART II

LOCAL PLANNING ADMINISTRATION

8.—(1) The council of a municipality may appoint a planning advisory committee composed of such persons as the council may determine. Planning advisory committee

(2) The councils of two or more municipalities may appoint a joint planning advisory committee composed of such persons as the councils may by agreement determine. Joint committee

(3) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning to their respective municipalities the costs of the payments. Remuneration

9.—(1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situate in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization. Planning area defined by Minister

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister. Planning board for planning area

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2), of which members at least one shall be a member of the council of the municipality and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized. Appointments to board

(4) The members, Term of office

(a) appointed by the council of each municipality shall hold office for the term of the council that appointed them; and

(b) appointed by the Minister shall hold office for the term specified by the Minister in their appointment,

and until their successors are appointed.

10. The Minister may define and name a planning area consisting of territory without municipal organization and may Planning area in unorganized territory

establish and name a planning board for the planning area and appoint the members thereof.

Body
corporate,
quorum

11.—(1) A planning board is a body corporate and a majority of its members constitutes a quorum.

Chairman

(2) A planning board shall annually elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Secretary-
treasurer,
employees,
consultants

(3) A planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is considered appropriate.

Execution of
documents

(4) The execution of documents by a planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the board.

Estimates:
one
municipality

12.—(1) A planning board established by the Minister for a planning area consisting of one municipality and territory without municipal organization shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

two or more
municipalities

(2) In the case of a planning board established for a planning area consisting of two or more municipalities or consisting of two or more municipalities and territory without municipal organization, the planning board shall annually submit its estimates to the council of each of such municipalities together with a statement as to the proportion thereof to be chargeable to each municipality.

When
estimates
binding

(3) If the estimates submitted under subsection (2) are approved, or are amended and approved, by the councils of municipalities representing more than one-half of the population of the planning area for which the board was established, the estimates are binding on all the municipalities.

Notification

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality involved and shall notify each such municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2).

Where
apportionment
not
satisfactory

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the

notice under subsection (4), notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Board.

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final. Power of O.M.B.

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Municipal Board under subsection (6), as the case may be. Payment

13. Any municipality within a planning area may make grants of money to the planning board of the planning area. Municipal grants

14.—(1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board, Duties of planning board: advice and assistance

- (a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or
- (b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

(2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council. preparation of official plan

15. The council of a county or of a regional, metropolitan or district municipality, on such terms and conditions as may be agreed upon with the council of a local municipality that for municipal purposes forms part of the county or that forms part of the regional, metropolitan or district municipality, as the case may be, may, Upper-tier municipalities; planning functions

- (a) assume any authority, responsibility, duty or function of a planning nature that the local municipality has under this or any other Act; or
- (b) provide advice and assistance to the local municipality in respect of planning matters generally.

PART III

OFFICIAL PLANS

16. In addition to the objectives and policies referred to in clause 1 (h), an official plan may contain a description of, Contents of official plan

- (a) the measures and procedures proposed to attain the objectives of the plan;
- (b) the measures for informing and securing the views of the public in respect of proposed objectives and policies for the plan; and
- (c) the measures for reviewing the official plan from time to time.

Preparation
of official
plan by
municipality

17.—(1) The council of a municipality may provide for the preparation of a plan suitable for adoption as the official plan of the municipality.

Notice

(2) The council, before adopting a plan that has been prepared,

- (a) shall, in the manner and to the persons and containing the information prescribed, give notice of the time when and the place where council will hold a meeting to consider the adoption of the plan which meeting shall be held not sooner than thirty days after the requirements for the giving of the notice have been complied with; and
- (b) shall, in the manner and to the agencies and containing the information prescribed, give notice that council is considering the adoption of the plan.

Open
meeting

(3) The meeting mentioned in clause (2) (a) shall be open to the public and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the adoption of the proposed plan.

Comments
by agency

(4) An agency may, within thirty days of the giving of the notice mentioned in clause (2) (b), or within such further period of time as the council may subsequently allow, submit comments to the council on the adoption of the proposed plan.

Adoption of
plan

(5) After the meeting mentioned in clause (2) (a) has been held and after the time for submitting comments under subsection (4) has elapsed, the council when it is satisfied that the plan as finally prepared is suitable for adoption may by by-law adopt the plan and submit it to the Minister for approval.

Record

(6) When the plan is adopted, the clerk of the municipality shall compile and forward to the Minister a record which shall include,

- (a) a certified copy of the by-law adopting the plan;

- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsections (2) and (7) have been complied with;
- (c) the original or a true copy of all written submissions and material in support of the submissions received prior to the adoption of the plan and of all comments received from agencies under subsection (4); and
- (d) such other information or material as the Minister may require.

(7) Where the council adopts the plan, the clerk of the municipality shall, not later than ten days after the day the plan was adopted, give written notice of the adoption of the plan to the Minister, to every person who filed with the clerk at the meeting mentioned in clause (2) (a) or at any time prior thereto, a written request to be notified if the plan is adopted and to every agency that submitted comments under subsection (4) and that in writing requested to be notified if the plan is adopted. Notice

(8) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the plan and, subject to subsection (10), may then approve, or, after consultation with the council, refuse to approve the plan or, if modifications appear desirable to the Minister, he may, after consultation with the council, make the modifications to the plan and approve the plan as modified. Approval, refusal to approve or modification of plan by Minister

(9) The Minister, instead of approving the whole of the plan, may approve part only of the plan and may, from time to time, approve additional parts of the plan, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under subsection (10). Approval of plan in part

(10) The Minister may refer the plan or any part of the plan to the Municipal Board and where the council or any person or agency requests the Minister, within thirty days from the date the plan was adopted, to refer the plan or any part of the plan to the Municipal Board, the Minister shall refer the plan or such part to the Board, together with the statement mentioned in subsection (11) unless, in his opinion, referral to the Board would serve no useful purpose or unless, in his opinion, the request is made only for the purpose of delay. Referral of plan or part thereof to O.M.B.

(11) Where a person submits a request to the Minister under subsection (10) he shall include therewith a statement in writing setting out the reasons for the request. Reasons

Parties	(12) The parties to a referral are the person or agency, if any, that requested the referral, the municipality and any person or agency added as a party by the Municipal Board.
Adding of parties	(13) The Municipal Board may add as a party to the referral any person, including the Minister or agency who applies to the Board to be added as a party.
Representations by person not a party	(14) Despite the fact that a person is not a party to the referral, the Municipal Board may permit the person to make representations at the hearing.
Notice	(15) On a referral to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the referral, and to such other persons as the Board considers appropriate.
Establishment of issues by O.M.B.	(16) The Municipal Board may, on the basis of the statement mentioned in subsection (11), the record mentioned in subsection (6) and such other matters as the Board considers proper to take into account, establish the issues that are in dispute in a referral and where the Board does so a party to the referral may not, except with the leave of the Board, introduce at the hearing any evidence or present any argument that is not relevant to the issues in dispute as established by the Board.
Decision	(17) The Municipal Board may make any decision that the Minister could have made.
Where provincial interest adversely affected	(18) Where the plan or any part of the plan is referred to the Municipal Board under subsection (10), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the part thereof, may so advise the Board in writing not later than ten days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the plan or the part or parts of the part of the plan, as the case may be, by which the provincial interest is, or is likely to be, adversely affected.
Procedure by O.M.B.	(19) Where the Municipal Board receives notice from the Minister under subsection (18), the Board shall not proceed under subsection (17) in respect of the part or parts identified in the notice but shall, following the hearing, make a report to the Lieutenant Governor in Council setting out its findings and recommendations in respect of such part or parts and shall send a copy of the report to the Minister, to each party to the referral and to any person who in writing requests a copy of the report.
Disposition by L.G. in C.	(20) After considering the report of the Municipal Board the Lieutenant Governor in Council shall make a final disposition of

the part or parts dealt with in the report and in so doing may direct the Minister to modify the plan or the part of the plan in accordance with such final disposition.

18.—(1) Where a plan is prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board. Recommendation of plan

(2) When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy, Submission of plan to council

(a) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area; and

(b) in the case of a plan prepared at the request of a single municipality, to the council of that municipality,

together with a recommendation that it be adopted by the council.

(3) Each council to which the plan is submitted may, subject to subsections 17 (2) to (5), by by-law adopt the plan and the clerk of each municipality, the council of which adopted the plan, shall provide the secretary-treasurer of the planning board with a certified copy of the adopting by-law and shall comply with subsections 17 (6) and (7). Adoption of plan

(4) When the secretary-treasurer of the planning board has received a certified copy of an adopting by-law from a majority of the councils to which the plan was submitted he shall submit the plan to the Minister for approval together with each certified copy of the adopting by-law, and thereafter subsections 17 (8) to (20) apply. Submission of plan to Minister

(5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization the provisions of subsections 17 (3) to (20) apply, with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality. Application of s. 17 (3-20)

19. Before adopting a plan for a planning area consisting solely of territory without municipal organization, the planning board, Adoption of plan in unorganized territory

(a) shall, in the manner and to the persons and containing the information prescribed, give notice of the time when and the place where the board will hold a meeting to consider the adoption of the plan which meeting shall be held not sooner than thirty days after the requirements for the giving of the notice have been complied with; and

(b) shall, in the manner and to the agencies and containing the information prescribed, give notice that the board is considering the adoption of the plan,

and thereafter subsections 17 (3) to (20) apply, with necessary modifications, as though the planning board were the council of a municipality and the secretary-treasurer were the clerk of the municipality.

Lodging
of plan

20.—(1) Two certified copies of the official plan shall be lodged in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister and a duplicate original of the official plan shall be lodged in every land registry office of lands to which the plan applies.

Who to
lodge plan

(2) The lodging required by subsection (1) shall be carried out,

(a) in the case of an official plan that applies to only one municipality or part thereof or to only one municipality and territory without municipal organization, by the clerk of the municipality; and

(b) in the case of an official plan that applies to more than one municipality or parts thereof, by the clerk of the municipality that has the largest population.

Public
inspection

(3) All copies and duplicate originals lodged under subsection (1) shall be available for public inspection during office hours.

Amendment
or repeal
of plan

21.—(1) Except as hereinafter provided, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, provided that the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and the provisions of section 17 apply to any such amendment or repeal.

Waiver of
requirement
for approval

(2) Where the Minister is satisfied that there is not a matter of provincial interest adversely affected by an amendment to an official plan submitted to him for approval and no request for referral has been received under subsection 17 (10) he may, in writing, waive the requirement for approval thereof, whereupon the amendment shall be deemed to be approved.

22.—(1) Where any person requests a council to initiate an amendment to an official plan, other than an official plan that applies in whole or in part to territory without municipal organization, and the council refuses to adopt the amendment or fails to adopt it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board.

Referral of proposed amendment to plan to O.M.B.

(2) Where any person requests a planning board to initiate an amendment to an official plan that applies in whole or in part to territory without municipal organization and the planning board refuses to adopt the amendment or to recommend the amendment for adoption, as the case may be, or fails to adopt or recommend it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board.

Idem

(3) The Minister may confer on the proposed amendment in like manner as he is authorized to confer under subsection 17 (8) and he may refuse the request to refer the proposed amendment to the Municipal Board or may refer the proposed amendment to the Board.

Powers of Minister to confer, etc.

(4) The provisions of subsections 17 (12) to (16) apply with necessary modifications when a proposed amendment is referred to the Municipal Board under subsection (3) and the Board shall hold a hearing and thereafter reject the proposed amendment or direct that the council cause the amendment to be made in the manner provided in the order of the Board.

Application of s. 17 (12-16)

(5) Where a proposed amendment is referred to the Municipal Board under subsection (3), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the proposed amendment, may so advise the Municipal Board in writing not later than ten days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the proposed amendment by which the provincial interest is, or is likely to be, adversely affected.

Where provincial interest adversely affected

(6) Where the Municipal Board receives notice from the Minister under subsection (5), the Board shall not proceed under subsection (4) in respect of the part or parts identified in the notice but shall, following the hearing, make a report to the Lieutenant Governor in Council setting out its findings and recommendations in respect of such part or parts and shall send a copy of the report to the Minister, to each party to the referral and to any person who in writing requests a copy of the report.

Procedure by O.M.B.

(7) After considering the report of the Board the Lieutenant Governor in Council shall make a final disposition of the part or

Disposition by L.G. in C.

parts dealt with in the report and in so doing may direct the Minister to modify the plan or the part of the plan in accordance with such final disposition.

Request by
Minister to
amend plan

23.—(1) Where the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under section 3 is, or is likely to be, adversely affected by an official plan, the Minister may request the council of a municipality to adopt such amendment as the Minister specifies to an official plan and, where the council refuses the request or fails to adopt the amendment within such time as is specified by the Minister in his request, the Minister may make the amendment.

Hearing
by O.M.B.

(2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Municipal Board to hold a hearing on the proposed amendment and the Board shall thereupon hold a hearing as to whether the amendment should be made.

Refusal to
refer to
O.M.B.

(3) Despite subsection (2), where the Minister is of the opinion that a hearing by the Municipal Board would serve no useful purpose or that the request is made only for the purpose of delay, he may refuse the request.

Notice

(4) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (2), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Report to
Minister

(5) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Board's findings and recommendations in respect of the proposed amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter and to any person who in writing requests a copy of the report.

Amendment
by Minister

(6) After considering the report of the Municipal Board, the Minister may make such amendment, if any, as he considers appropriate.

Public works
and by-laws
to conform
with plan

24.—(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.

Validity
of by-laws
conforming
with
amendments
to plans

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment,

pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and the by-law shall be conclusively deemed to have conformed with the official plan on and from the day it was passed if the Minister approves the amendment to the official plan.

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.

Preliminary steps that may be taken where proposed public work would not conform with official plan

(4) Where a by-law is passed under section 34 by the council of a municipality in which an official plan is in effect and, within the time limited for appeal,

When zoning by-law deemed to conform with official plan

(a) no appeal is taken; or

(b) an appeal is taken and the appeal is dismissed or the by-law is amended as directed on the appeal,

the by-law shall be conclusively deemed to be in conformity with the official plan, except that where the by-law is passed in the circumstances mentioned in subsection (2) the by-law shall be conclusively deemed to be in conformity with the official plan on and from the day the by-law was passed, if the Minister approves the amendment to the official plan as mentioned in subsection (2).

25.—(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister after the 28th day of June, 1974, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Acquisition of lands in accordance with provisions of plan

(2) Any municipality may contribute towards the cost of acquiring land under this section.

Contribution towards cost

26.—(1) The council of every municipality that has adopted and had approved an official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purpose of determining the need for a review of the official plan.

Review of plan

Direction by
Minister

(2) Despite subsection (1), the Minister may, at any time, direct the council of a municipality to undertake a review of any official plan or part thereof in effect in the municipality and when so directed the municipal council shall cause the review to be undertaken without undue delay.

Amendments
to conform
with upper-tier
plans

27.—(1) When the Minister has approved an official plan adopted by a county or by a regional, metropolitan or district municipality,

(a) every official plan; and

(b) every zoning by-law passed under section 34 of this Act or a predecessor thereof,

that is then in effect in the area affected by the county, regional, metropolitan or district plan shall be amended to conform therewith.

Amendment
by upper-tier
municipality

(2) Where an official plan is approved as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year of the approval of the plan, the council of the county or of the regional, metropolitan or district municipality may thereupon amend the official plan or zoning by-law, as the case may be, in like manner and subject to the same requirements and procedures as if such council was the council that failed to make the amendment within the one year period as herein required.

Deemed to
be by-law of
lower-tier
municipality

(3) Where an amending by-law is passed under subsection (2) by the council of a county or the council of a regional, metropolitan or district municipality, the amending by-law shall be deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended.

PART IV

COMMUNITY IMPROVEMENT

Interpre-
tation

28.—(1) In this section,

(a) “community improvement” means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;

- (b) “community improvement plan” means a plan approved by the Minister under section 17 as part of an official plan, for the community improvement of a community improvement project area;
- (c) “community improvement project area” means an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other reason.
- (2) Where there is an official plan in effect in a local municipality that contains provisions outlining a strategy for community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area. Designation of community improvement project area
- (3) When a by-law has been passed under subsection (2), the municipality may, Acquisition and clearance of land
- (a) acquire land within the community improvement project area with the approval of the Minister if the land is acquired before the community improvement plan mentioned in subsection (4) is approved and without the approval of the Minister if the land is acquired after the community improvement plan is approved;
- (b) hold land acquired before or after the passing of the by-law within the community improvement project area; and
- (c) clear, grade or otherwise prepare the land for community improvement.
- (4) When a by-law has been passed under subsection (2), the council may provide for the preparation of a plan, as part of an official plan, suitable for adoption as a community improvement plan for the community improvement project area. Preparation of community improvement plan
- (5) The Minister may, in writing, deem the provisions outlining a strategy for community improvement mentioned in subsection (2) to be a community improvement plan for the purposes of this section. Deemed community improvement plan
- (6) For the purpose of carrying out the community improvement plan, the municipality may, Powers of council re land
- (a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improve-

ment project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;

- (b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.

Grants or
loans

(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

Application
of s. 32 (2, 3)

(8) The provisions of subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section.

Conditions of
sale, etc.

(9) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan is in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time.

Registration
of agreement

(10) An agreement entered into under subsection (9) may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land.

R.S.O. 1980,
cc. 445, 230

Debentures
R.S.O. 1980,
c. 302

(11) Despite subsection 143 (1) of the *Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides.

Dissolution
of area

(12) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area.

29. A municipality, with the approval of the Minister, may enter into any agreement for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the municipality.

Agreement
re special
studies

30. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the community improvement of a community improvement project area as defined in section 28, including the carrying out of studies for the purpose of selecting areas for community improvement.

Agreements
for grants
in aid of
community
improvement

31.—(1) In this section,

Interpre-
tation

- (a) “committee” means a property standards committee established under this section;
- (b) “occupant” means any person or persons over the age of eighteen years in possession of the property;
- (c) “officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) “owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- (e) “property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) “repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in a by-law passed under this section.

Adoption of
policy
statement

(2) Where there is no official plan in effect in a local municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

Standards
for
maintenance
and
occupancy

(3) If,

(a) an official plan that includes provisions relating to property conditions is in effect in a local municipality; or

(b) the council of a local municipality has adopted a policy statement as mentioned in subsection (2),

the council of the municipality may pass a by-law,

(c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;

(d) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

(e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

Inspection

(4) Subject to subsection (5), when a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.

Entry
into
dwelling
place
R.S.O. 1980,
c. 400

(5) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

Notice of
violation

(6) If, after inspection, the officer is satisfied that in some respect the property does not conform with the standards prescribed in the by-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to, the owner of the property and all persons shown by the records of the land registry office and the sheriff's office to have any interest

therein a notice containing particulars of the nonconformity and may, at the same time, provide all occupants with a copy of such notice.

(7) After affording any person served with a notice provided for by subsection (6) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing, Contents of order

(a) the municipal address or the legal description of such property;

(b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and

(c) the final date for giving notice of appeal from the order.

(8) A notice or an order under subsection (6) or (7), when sent by registered mail shall be sent to the last known address of the person to whom it is sent. Order to be sent to last known address

(9) If the officer is unable to effect service under subsection (6) or (7), he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons. Substituted service

(10) An order under subsection (7) may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (7) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. Registration of notice

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of Property standards committee

the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Chairman,
acting
chairman,
secretary

(12) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member as acting chairman and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.

Remuner-
ation

(13) The members of the committee shall be paid such compensation as the council may provide.

Filing of
documents, etc.

R.S.O. 1980,
c. 302

(14) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Quorum and
procedure

(15) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection (17) shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

Appeal to
committee

(16) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

Decision
on appeal

(17) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

Appeal to
judge

(18) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (17) may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,

(a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appoint-

ment may direct that it shall be served upon such persons and in such manner as he prescribes;

- (b) the appointment shall be served in the manner prescribed; and
- (c) the judge on such appeal has the same powers and functions as the committee.

(19) The order, as deemed to have been confirmed under subsection (16), or as confirmed or modified by the committee under subsection (17) or, in the event of an appeal to the judge under subsection (18), as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order. Effect of decisions

(20) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies, Power of corporation to repair or demolish

- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
- (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

(21) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection (3), and the council of a municipality may prescribe a fee payable for such a certificate where it is issued at the request of the owner. Certificate of compliance

(22) An owner who fails to comply with an order that is final and binding under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each day that the contravention has continued. Enforcement

32.—(1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31 (6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe. Grants or loans for repairs

Loans
collected as
taxes, lien
on land

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Registration
of
certificate

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

Interpre-
tation

33.—(1) In this section,

- (a) "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) "residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

Establishment
of demolition
control area
by by-law

(2) When a by-law under section 31 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Council
may issue
or refuse
to issue
permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Appeal to
O.M.B.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant

may appeal to the Municipal Board and the Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

(5) The person appealing to the Municipal Board under subsection (4) shall, in such manner and to such persons as the Board may direct, give notice of the appeal to the Board.

Notice of
appeal

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Application
for demolition
permit
where building
permit
issued

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Conditions of
demolition
permit

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Registration
of certificate

(9) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Appeal to
O. M. B.

Application
to council for
relief from
conditions of
demolition
permit

(10) Where any person who has obtained a demolition permit under subsection (6) that is subject to conditions under subsection (7) considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection (11) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Powers of
council on
application

(11) Where an application is made under subsection (10), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Appeal to
O.M.B.

(12) Any person who has made application to the council under subsection (10) may appeal from the decision of the council to the Municipal Board within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection (11) and the decision of the Board shall be final.

Offence

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential property has been demolished, or to imprisonment for a term of not more than six months, or to both.

Standards
for health
and safety
remain in
force

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Certain
proceedings
stayed

(15) Subject to subsection (14), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any

by-law under section 31 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon.

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in section 5 of the *Building Code Act*. Application of
R.S.O. 1980,
c. 51, s. 5

PART V

LAND USE CONTROLS AND RELATED ADMINISTRATION

34.—(1) Zoning by-laws may be passed by the councils of local municipalities: Zoning
by-laws

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway. Restricting
use of land
2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway. Restricting
erecting,
locating or
using of
buildings
3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land where, by reason of its steep slopes or its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive. Marshy lands
4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy. Construction
of buildings
or structures
5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be Minimum
elevation
of doors, etc.

erected or located within the municipality or within any defined area or areas of the municipality.

Loading or
parking
facilities

6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway.

Pits and
quarries

7. For prohibiting the making or establishment of pits and quarries within the municipality or within any defined area or areas thereof.

Minimum
area and
density
provisions

(2) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law.

Interpre-
tation
R.S.O. 1980,
c. 302

(3) A trailer as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* and a mobile home as defined in clause 46 (1) (a) of this Act shall be deemed to be a building or structure for the purposes of this section.

Prohibition
of use of
land, etc.,
availability of
municipal
services

(4) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection (1) or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Certificates of
occupancy

(5) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

Use of
maps

(6) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition
and disposition
of non-
conforming
lands

(7) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land,

building or structure or may exchange any of such land for other land within the municipality.

(8) No by-law passed under this section applies,

Excepted
lands and
buildings

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the *Building Code Act*, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the *Building Code Act*.

R.S.O. 1980,
c. 51

(9) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

By-law
may be
amended

(10) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

Appeal to
O.M.B.

(11) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (10), the council,

Notice of
meeting to
consider
passing
by-law

(a) shall, in the manner and to the persons and containing the information prescribed, give notice of the time when and the place where council will hold a meeting to consider the passing of a by-law, which meeting shall be held not sooner than thirty days after the requirements for the giving of the notice have been complied with; and

(b) shall, in the manner and to the agencies and containing the information prescribed, give notice that council is considering passing a by-law.

Open
meeting

(12) The meeting mentioned in clause (11) (a) shall be open to the public and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the passing of the by-law.

Agency
comments

(13) An agency may, within thirty days of the giving of the notice mentioned in clause (11) (b), or within such further period of time as the council may subsequently allow, submit comments to the council in respect of the passing of the by-law.

Record

(14) Where the council passes the by-law, the clerk of the municipality shall compile a record which shall include,

- (a) a copy of the by-law certified by him;
- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsections (11) and (15) have been complied with;
- (c) the original or a true copy of all written submissions and material in support of the submissions received prior to the passing of the by-law and of all comments received from agencies under subsection (13); and
- (d) where no notice of appeal to the Municipal Board is filed under subsection (16), an affidavit or declaration duly sworn certifying such fact.

Notice of
passing of
by-law

(15) Where the council passes the by-law, the clerk of the municipality shall, not later than ten days after the day the by-law was passed, give written notice of the passing of the by-law to the Minister, to every person who filed with the clerk at the meeting mentioned in clause (11) (a) or at any time prior thereto a written request to be notified if the by-law is passed and to every agency that submitted comments under subsection (13) and that in writing requested to be notified if the by-law is passed.

Appeal to
O.M.B.

(16) Any person including the Minister, or agency may, within thirty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

When by-law
deemed to
have come
into force

(17) When no notice of appeal is filed under subsection (16), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the Minister has approved the amendment to the official plan as mentioned in subsection 24 (2).

(18) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsections (11) and (15) or that no notice of appeal was filed under subsection (16) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.

Affidavit re
no appeal,
etc.

(19) The clerk of the municipality, upon receipt of a notice of appeal under subsection (16), shall forward the notice of appeal together with the record mentioned in subsection (14) to the secretary of the Municipal Board and shall provide such other information or material as the Board may require in respect of the appeal.

Forwarding of
record, etc., to
O.M.B.

(20) The parties to an appeal are the appellant, the municipality and any person or agency added as a party by the Municipal Board.

Parties

(21) The Municipal Board may add as a party to the appeal any person including the Minister, or agency who applies to the Board to be added as a party.

Adding of
parties

(22) Despite the fact that a person is not a party to the appeal, the Municipal Board may permit the person to make representations at the hearing.

Representations by
person not
party

(23) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the appeal, and to such other persons as the Board considers appropriate.

Hearing

(24) Despite subsection (23), the Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a hearing, and where the Board does so it shall give written reasons therefor to the appellant and send a copy to all other parties to the appeal.

Dismissal of
appeal without
hearing

(25) The Municipal Board may, on the basis of the contents of the notice of appeal, the record that accompanied the notice and such other matters as the Board considers proper to take into account, establish the issues that are in dispute in an appeal and where the Board does so a party to the appeal may not, except with the leave of the Board, introduce at the hearing any evidence or present any argument that is not relevant to the issues in dispute as established by the Board.

Establishment
of issues

(26) The Municipal Board may,

Powers of
O.M.B.

(a) dismiss the appeal; or

- (b) allow the appeal in whole or in part and direct the council of the municipality to repeal the by-law or to amend the by-law in accordance with the Board's order.

Application
of subss. (11-
25)

(27) Subsections (11) to (25) do not apply to a by-law passed pursuant to an order of the Municipal Board made under subsection (10) or (26).

Where
provincial
interest
adversely
affected

(28) Where an appeal has been filed under subsection (16), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the by-law, may so advise the Municipal Board in writing not later than ten days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected.

Procedure

(29) Where the Municipal Board receives notice from the Minister under subsection (28), the Board shall not make an order under subsection (26) in respect of the part or parts of the by-law identified in the notice but shall, following the hearing of the appeal, make a report to the Lieutenant Governor in Council setting out its findings and recommendations in respect of such part or parts and shall send a copy of the report to the Minister, to each party to the appeal and to any person who in writing requests a copy of the report.

Disposition
by L.G. in C.

(30) After considering the report of the Municipal Board, the Lieutenant Governor in Council shall make a final disposition of the part or parts of the by-law and in doing so may direct the council of the municipality to repeal or amend the by-law and subsections (10) to (25) do not apply to a by-law passed pursuant to any such direction of the Lieutenant Governor in Council.

When by-law
deemed to
have come
into force

(31) Where one or more appeals have been filed under subsection (16), the by-law does not come into force until all of such appeals have been finally disposed of whereupon the by-law, except for such parts thereof as are repealed or amended in accordance with the direction of the Municipal Board or of the Lieutenant Governor in Council as mentioned in subsections (26) and (30), shall be deemed to have come into force on the day it was passed.

Holding
provision
by-law

35.—(1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding prefix "H" preceding any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding prefix "H" is removed by amendment to the by-law.

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the use of the holding prefix "H" mentioned in subsection (1). Condition

(3) Where an application to the council for an amendment to the by-law to remove the holding prefix "H" is refused or the council refuses or neglects to make a decision thereon within thirty days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order. Appeal to
O.M.B.

(4) Subsections 34 (10) to (25) do not apply to an amending by-law passed by the council to remove the holding prefix "H", but the council shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of its intention to pass the amending by-law. Application
of s. 34 (10-25)

36.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law. Increased
density, etc.,
provision
by-law

(2) A by-law may not be passed containing the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the authorization of increases in height and density of development. Condition

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters. Agreements

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. Registration
of agreement

R.S.O. 1980,
cc. 445, 230

37.—(1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or Interim
control
by-law

structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Extension of
period by-law
in effect

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Notice of
passing of
by-law

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof.

Appeal to
O.M.B.

(4) Any person or agency to whom notice of a by-law was given under subsection (3) may, within sixty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Record

(5) Where a notice of appeal is filed under subsection (4), the clerk of the municipality shall compile a record which shall consist of a copy of the by-law certified by him and an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (3) have been complied with and thereafter the provisions of subsections 34 (19) to (30) apply with necessary modifications.

When prior
zoning by-law
again has
effect

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law.

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

Application
of s. 34 (8)

(8) The provisions of subsection 34 (8) apply with necessary modifications to a by-law passed under subsection (1) or (2).

38.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. Temporary use provisions

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and prescribe the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law. Area and time in effect

(3) Despite subsection (2), the council may grant further periods of not more than three years each during which the temporary use is authorized. Extension

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (8) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized. Non-application of s. 34 (8) (a)

39.—(1) Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities. Agreement exempting owner from requirement to provide parking

(2) An agreement entered into under subsection (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated. Payment of money

(3) All moneys received by a municipality under an agreement entered into under this section shall be paid into a special account, and the moneys in such special account shall be applied for the same purposes as a reserve fund established under paragraph 55 of section 208 of the *Municipal Act* may be applied, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor of the municipality in his annual report shall report on the activities and position of the account. Special account

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies, and when so registered, any moneys payable to the municipality under the agreement that have become due for payment shall be deemed to be taxes due upon the land under R.S.O. 1980, cc. 302, 512

Registration of agreement

R.S.O. 1980,
c. 302

section 369 of the *Municipal Act* and may be collected in the same manner as municipal taxes.

Certificate

(5) When all moneys payable to the municipality under an agreement registered under subsection (4) have been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registerable in the proper land registry office, certifying that the moneys have been paid or that the agreement has been terminated.

Signs

40.—(1) By-laws may be passed by the councils of local municipalities for prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this subsection may provide that a sign or other advertising device that was lawfully erected or displayed on the day the by-law comes into force but that does not comply with the by-law, shall be,

(a) made to comply with the by-law; or

(b) removed by the owner thereof or by the owner of the land on which it is situate,

within such period of time as is specified in the by-law, which period shall be not less than five years from the day the by-law comes into force.

Temporary
signs

(2) A by-law passed under subsection (1) may specify a time period during which signs or other advertising devices in a defined class that are erected or located after the passing of the by-law may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.

Production
of plans

(3) A by-law passed under subsection (1) may require the production of the plans of all signs or other advertising devices to be erected, displayed, altered or repaired and provide for the charging of fees for the inspection and approval of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor and may authorize the refusal of a permit for any sign or other advertising device that if erected or displayed would be contrary to the provisions of any by-law of the municipality.

(4) A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration so as to require a permit. Change in message

(5) A by-law passed under subsection (1) may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the by-law and may require any person who, Pulling down, etc., signs illegally erected

(a) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so; or

(b) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such sign or other advertising device comply with the by-laws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the by-law specifies.

41.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in clause 46 (1) (a) of this Act. Interpretation
R.S.O. 1980, c. 302

(2) Where there is an official plan in effect in a local municipality, the council of the municipality may, by by-law, designate the whole or any part of the area covered by the official plan as a site plan control area, but nothing herein authorizes the council to designate an area that is not within the limits of the municipality of which it is the council. Establishment of site plan control area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34. Designation of site plan control area

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (10), the Municipal Board has approved one or both, as the council may determine, of the following: Approval of plans or drawings

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a).

2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,

(a) the massing and conceptual design of the proposed building;

(b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and

(c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause (c), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

Drawings for
residential
buildings

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required.

Proviso

(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Conditions
to approval
of plans

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Widenings of highways that abut on the land.
 2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs. R.S.O. 1980,
c. 421
 3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
 4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
 5. Facilities for the lighting, including floodlighting, of the land or of any building structures thereon.
 6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
 7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
 9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all

of the facilities, works or matters mentioned in clause (a) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4).

Registration
of agreements

(8) Any agreement entered into under clause (7) (c) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Application of
R.S.O. 1980,
c. 302, s. 325

(9) Section 325 of the *Municipal Act* applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c).

Appeal to
O.M.B.

(10) Where the municipality fails to approve the plans or drawings referred to in subsection (4) within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection (7) or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Classes of
development,
delegation

(11) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and
- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a).

Proviso

(12) Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day.

(13) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of *The Planning Act* as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding.

Certain agreements declared valid and binding
R.S.O. 1970, c. 349

42.—(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.

Conveyance of land for park purposes

(2) For the purposes of subsection (3), “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.

Interpretation

(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.

Alternative requirement

(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.

Official plan requirement

(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time.

Use and sale of land

(6) The council of a municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of such conveyance and for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first permit, and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board

Cash payment in lieu of conveyance

R.S.O. 1980,
c. 148

to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Application
of s. 51 (12)

(7) The provisions of subsection 51 (12) apply with necessary modifications to all moneys received under subsection (5) or (6).

Where
account taken
of previous
conveyances
or payments

(8) Where land has been conveyed to a municipality for park or other public purposes or a payment of money in lieu of such conveyance has been received by the municipality pursuant to a condition imposed under this section or under section 51 or section 53 or under a predecessor of any of such sections, the conveyance or payment, as the case may be, shall be included in determining the amount of land or payment of money in lieu thereof that may subsequently be required under this section on the development, further development or redevelopment of the lands or part thereof in respect of which the original conveyance or payment was received.

Application
to O.M.B.

(9) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money in lieu thereof that may subsequently be required, as mentioned in subsection (8), either party may apply to the Municipal Board and the Board shall make a final determination in the matter.

Application
of s. 34 (11-31)

43.—(1) Subsections 34 (11) to (31) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

(a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or

(b) does not vary by more than 5 per cent any measurement so expressed.

Effect of
amendment
that conforms
with subs. (1)

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 47 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1).

Establishment
of committee
of adjustment

44.—(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.

(2) Where a by-law is passed under subsection (1), a certified copy of the by-law shall be sent to the Minister by registered mail by the clerk of the municipality within thirty days of the passing thereof. Copy of by-law to Minister

(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually. Term of office

(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. Idem

(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum. Quorum

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members. Vacancy not to impair powers

(7) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as acting chairman. Chairman

(8) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the moneys appropriated for the purpose. Secretary-treasurer, employees

(9) The members of the committee shall be paid such compensation as the council may provide. Remuneration

(10) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents. Filing of documents, etc.
R.S.O. 1980, c. 302

(11) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed. Rules of procedure

45.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any Powers of committee; general

by-law that is passed under section 34, 37 or 40, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

special

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, provided that the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

Power of
committee to
grant minor
variances

(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such

by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered the provisions of subsection (1) apply with necessary modifications.

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer. Time for hearing

(5) The committee, before hearing an application, shall in the manner and to the persons and agencies and containing the information prescribed give notice of the application. Notice of hearing

(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. Hearing

(7) The chairman, or in his absence the acting chairman, may administer oaths. Oaths

(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision. Decision

(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and subject to such terms and conditions as the committee considers advisable and as are set out in the decision. Conditions in decision

(10) The secretary-treasurer shall not later than ten days from the making of the decision send by mail one copy of the decision, certified by him, Notice of decision

(a) to the Minister, if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;

(b) to the applicant; and

(c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

Additional
material

(11) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he shall also send to the Minister such other information and material as may be prescribed.

Appeal
to O.M.B.

(12) The applicant, the Minister or any other person who has an interest in the matter may within thirty days of the making of the decision appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under the *Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board.

R.S.O. 1980,
c. 347

Idem

(13) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board.

Where no
appeal

(14) If within such thirty days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

Where
appeals
withdrawn

(15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the committee is final and binding and the secretary of the Board shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.

Hearing

(16) On an appeal to the Municipal Board, the Board shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.

Dismissal
of appeal
by O.M.B.

(17) The Municipal Board may, where it is of the opinion that the objection to the decision set out in the notice of appeal is insufficient, dismiss the appeal without holding a hearing, and where the Board does so it shall give written reasons therefor to the appellant.

(18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application. Powers of O.M.B.

(19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee. Notice of decision

(20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality. Idem

46.—(1) In this section,

Interpretation

- (a) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (b) “parcel of land” means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (b) or clause 50 (5) (a).

(2) Unless otherwise authorized by a by-law in force under section 34 or an order of the Minister made under clause 47 (1) (a), or a permit issued under section 13 of the *Public Lands Act*, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land as defined in clause (1) (b) of this section, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land. One mobile home per parcel of land
R.S.O. 1980,
c. 413

(3) This section does not apply to prevent the continued use in the same location of any mobile home that, Saving

- (a) was erected or located and in use prior to the 1st day of June, 1977; or
- (b) was erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.

47.—(1) The Minister may by order,

Power of Minister re zoning and subdivision control

- (a) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, but subsections (11) to (31) of that section do not apply to the exercise of such powers; and

(b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 50 (4).

Power of
Minister to
allow minor
variances

(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 45 (1) and (2) in respect of a by-law passed under section 34, but the provisions of subsections 45 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers.

Order prevails
over by-law
in event
of conflict

(3) In the event of a conflict between an order made under clause (1) (a) and a by-law that is in effect under section 34 or 37, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

Where order
deemed
by-law of
municipality

(4) Where the Minister so provides in the order, an order made under clause (1) (a) in respect of land situate in a municipality the council of which has the powers conferred by section 34 shall be deemed for all purposes except the purposes of section 24 to be a by-law passed by the council of the municipality in which the land is situate and to be in force in the municipality.

Notice

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as he considers proper and shall set out in the notice the provisions of subsections (8), (9) and (10).

Idem

(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),

(a) where the land affected is situate in a local municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more local municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 78 (2) of the *Municipal Act* apply with necessary modifications; and

R.S.O. 1980,
c. 302

(b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

Registration

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (b) to be registered in the proper land registry office.

(8) The Minister may, on his own initiative or at the request of any person, by order, amend or revoke in whole or in part any order made under subsection (1). Revocation
or
amendment

(9) Except as provided in subsection (10), the Minister before amending or revoking in whole or in part an order made under subsection (1) shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof. Notice

(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part. Hearing
by O.M.B.

(11) Despite subsection (10), where the Minister is of the opinion that a hearing by the Municipal Board would serve no useful purpose or that the request is made only for the purpose of delay, he may refuse a request. Refusal of
request by
Minister

(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board. Notice of
hearing

(13) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Board's findings and recommendations in respect of the application and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter. Report to
Minister

(14) After considering the report of the Municipal Board, the Minister may either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the decision of the Minister is final. Power of
Minister

(15) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under subsection 50 (4). Effect of
land use
order

48. Despite the provisions of any other general or special Act, a licence, permit, approval or permission shall not be issued or granted nor any utility or service provided by a public utilities commission or other public or Crown agency in respect of any land, building or structure where the proposed use of the land or the erection or proposed use of the building or structure would be in contravention of section 46 or of an order made under section 47. Where licence,
etc., not
to issue

Interpre-
tation

49.—(1) In this section, “officer” means an officer who has been assigned the responsibility of enforcing section 46, orders of the Minister made under clause 47 (1) (a) or zoning by-laws passed under section 34.

Entry and
inspection

(2) Subject to subsection (3), where an officer believes on reasonable grounds that section 46, an order of the Minister made under clause 47 (1) (a) or a by-law passed under section 34, 37 or 40 is being contravened, the officer or any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes the contravention is occurring.

Where warrant
under
R.S.O. 1980,
c. 400, s. 142,
required

(3) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

PART VI

SUBDIVISION OF LAND

Interpre-
tation

50.—(1) In this section and in section 53 “consent” means,

- (a) where the land is situate within a regional municipality or is situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford, a consent given by the regional council, the Metropolitan Council, the District Council or the County Council, as the case may be;
- (b) where the land is situate within a town, village or township that forms part of a county for municipal purposes, a consent given by the council of the county;
- (c) where the land is situate within a local municipality that is within a county, but that does not form part of the county for municipal purposes, a consent given by the council of the local municipality;
- (d) where the land is situate within a city that is within a territorial district, other than a city within a regional or district municipality, a consent given by the council of the city; or

- (e) where the land is situate in a territorial district but is not within a regional or district municipality or is not within a city, a consent given by the Minister,

and a reference herein and in section 53 to the Minister or to a council, as the case may be, includes a delegate thereof as provided for in sections 4 and 54.

(2) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only. Proviso

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless, Subdivision control

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with;
- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;
- (d) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in the *Ontario Energy Board Act* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or R.S.O. 1980,
c. 332
- (e) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

Designation
of plans of
subdivision
not deemed
registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3).

Part-lot
control

(5) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with;
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;
- (c) the land or any use of or right therein is being acquired for the construction of a transmission line or utility line, both as defined in the *Ontario Energy Board Act*, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;
- (d) the land that is being conveyed, or otherwise dealt with is the remaining part of a lot or block, the other part of which was acquired by expropriation; or
- (e) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

R.S.O. 1980,
c. 332

(6) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, but the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection (23) have been complied with, subsection (5) thereupon applies to the lands affected by the repeal or amendment.

Designation
of lands not
subject to
part-lot
control

(7) Nothing in subsections (3) and (5) prohibits, and subsections (3) and (5) shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance.

Exception

(8) Nothing in subsections (3) and (5) prohibits the entering into of an agreement that has the effect of granting the use of or right in a part of a building or structure for any period of years.

Part of
building or
structure

(9) This section does not apply to an agreement entered into under section 2 of the *Drainage Act*.

Agreement
under
R.S.O. 1980,
c. 126, s. 2

(10) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer.

Application
to ARDA

(11) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 53, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction.

Exception to
application of
s. 50 (3, 5)

(12) Where the council or the Minister stipulates in accordance with subsection (11), the certificate provided for under subsection 53 (20) shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been given without the stipulation.

Reference
to
stipulation

(13) Where land is within a registered plan of subdivision or within a registered description under the *Condominium Act* or where land is conveyed with a consent given under section 53 or a predecessor thereof, any contravention of this section or a pre-

Effect of
contravention
of s. 50, etc.,
before plan
registered, etc.
R.S.O. 1980,
c. 84

decessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in the land, but this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the 15th day of December, 1978.

Simultaneous conveyances, etc., of abutting lands

(14) Where a person conveys land or grants, assigns or exercises a power of appointment in respect of land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections (3) and (5) to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land that is being conveyed or otherwise dealt with.

Partial discharges, etc., effect of

(15) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

Saving

(16) Subsection (15) does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

- (a) is the same land in respect of which a consent to convey has previously been given;
- (b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection (4); or
- (c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario, Ontario Hydro or by any municipality.

(17) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be, but this subsection does not apply where the land foreclosed or in respect of which the power of sale is exercised comprises only,

Foreclosure or exercise of power of sale, when approval of Minister required

- (a) the whole of one or more lots or blocks within one or more registered plans of subdivision; or
- (b) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge.

(18) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections (3) and (5), to convey such land by way of deed or transfer and to retain the fee in the abutting land.

Release of interest by joint tenant or tenant in common

(19) No order made under the *Partition Act* for the partition of land shall have any effect in law unless,

Order made under R.S.O. 1980, c. 369

- (a) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or
- (b) a consent is given to the order.

(20) Where a provision is contained in a will for the division of land between two or more persons such provision shall have no effect in law unless,

Division of land by will

- (a) irrespective of the provision in the will, each part of the land described in the will could be conveyed without contravening this section; or
- (b) a consent is given to the provision in the will.

(21) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Conveyance, etc., contrary to section not to create or convey interest in land

Copy of by-law to be lodged with Minister	(22) A certified copy or duplicate of every by-law passed under subsection (4) shall be lodged by the clerk of the municipality in the office of the Minister.
When by-law effective	(23) A by-law passed under subsection (4) is not effective until the requirements of subsection (24) have been complied with.
Registration of by-law	(24) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper land registry office.
Notice	(25) No notice or hearing is required prior to the passing of a by-law under subsection (4), but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.
Hearing by council	(26) The council shall hear in person or by his agent any person to whom a notice was sent under subsection (25), who within twenty days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law.
Application for approval of subdivision plan	51. —(1) An owner of land or his agent duly authorized in writing may apply to the Minister for approval of a plan of subdivision of his land or part thereof.
What draft plan to indicate	(2) An applicant under subsection (1) shall provide as many copies as may be required by the Minister of a draft plan of the proposed subdivision drawn to scale and showing, <ul style="list-style-type: none"> (a) the boundaries of the land to be subdivided, certified by an Ontario land surveyor; (b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts; (c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part; (d) the purpose for which the lots are to be used; (e) the existing uses of all adjoining lands;

- (f) the approximate dimensions and layout of the proposed lots;
- (g) natural and artificial features such as buildings or other structures or installations, railways, highways, water-courses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

(3) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the proposed subdivision. Minister may confer

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following, What matters to be regarded

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan generally conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;
- (f) the dimensions and shape of the lots;

- (g) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

Dedication
of land for
park and
highway
purposes

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are reasonable, having regard to the nature of the development proposed for the subdivision and, in particular, but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

- (a) that land to an amount to be determined by the Minister but not exceeding in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes;
- (b) that such highways shall be dedicated as the Minister considers necessary;
- (c) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and
- (d) that the owner of the land enter into one or more agreements with a municipality, or where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

Subdivision
agreements

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the

Registry Act and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1980,
cc. 445, 230

(7) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality and where the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality. Alternative
requirement

(8) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting such conveyance, require the payment of money by the owner of the land, Cash payment
in lieu of
conveyance

(a) to the value of the land otherwise required to be conveyed; or

(b) where the municipality would be entitled to require a conveyance under subsection (7), to the value of the land that would otherwise be required to be so conveyed.

(9) For the purpose of determining the amount of any payment required under subsection (8), the value of the land shall be determined as of the day before the day of the draft approval of the plan and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land. Valuation of
land

(10) Land conveyed to a municipality pursuant to a condition imposed under subsection (5) shall be used for park or other public recreational purposes but may be sold at any time. Use and
sale of land

(11) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (12) the sum so included in the estimates, and any person may pay any sum into the same fund. Fund for
acquisition of
park lands

(12) All moneys received by the municipality under subsections (8) and (11) and all moneys received on the sale of land under subsection (10), less any amount expended by the municipality out of its general funds in respect of such land, shall be Special
account

paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1980,
c. 512

Giving or
refusing of
approval by
Minister

(13) The Minister may, subject to subsections (14) and (15), give or refuse to give his approval to a draft plan of subdivision.

Reasons for
refusal

(14) Where the Minister proposes to refuse to give his approval to a draft plan of subdivision, the Minister shall send notice to the applicant together with written reasons as to why he proposes to refuse his approval and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the draft plan to the Municipal Board, the approval of the Minister shall be deemed to have been refused.

Referral of
plan to O.M.B.

(15) At any time before the Minister has given or has refused to give his approval to a draft plan of subdivision, the Minister may, and upon application therefor shall, refer the draft plan of subdivision to the Municipal Board unless, in his opinion, referral to the Board would serve no useful purpose or unless, in his opinion, the request is made only for the purpose of delay and where the draft plan is referred to the Board the Board shall hear and determine the matter.

Reasons

(16) Where an application is made under subsection (15), the application shall be accompanied by written reasons in support thereof.

Reference of
conditions

(17) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions, imposed or to be imposed, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it.

Withdrawal of
approval

(18) The Minister may, in his discretion, withdraw his approval to a draft plan of subdivision or change the conditions

of such approval at any time prior to his approval of a final plan for registration.

(19) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with the *Surveys Act* and the *Registry Act* or the *Surveys Act* and the *Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

When draft plan approved
R.S.O. 1980, cc. 493, 445, 230

(20) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Approval of plan by Minister

(21) When a final plan for registration is approved under subsection (20) and is not registered within thirty days of the date of approval, the Minister may withdraw his approval.

Withdrawal of plan for registration

(22) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the land registrar a duplicate, or when required by the Minister two duplicates, of the plan of a type approved by the Minister, and the land registrar shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Duplicates to be deposited and sent to Minister
R.S.O. 1980, cc. 445, 230

(23) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act.

Saving

52.—(1) No person shall offer for sale, agree to sell or sell land by a description in accordance with an unregistered plan of subdivision, other than a plan of subdivision in respect of which draft approval has been given under section 51.

Sale of lands in accordance with unregistered plan prohibited

(2) In subsection (1), “unregistered plan of subdivision” does not include a reference plan of survey under section 149 of the *Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of the *Registry Act* in accordance with the regulations under that Act.

Interpretation

53.—(1) An owner of land or his agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to subsections (2) to (19) of this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Consent

Matters to
be regarded

(2) A council or the Minister, as the case may be, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 51 (4) and has the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsection 51 (5), and subsections 51 (5), (7), (8), (9), (10) and (12) apply with necessary modifications.

Conveyance of
land for
park purposes

(3) Where, on the giving of a consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the giving of the consent.

Conferring
with
agencies, etc.

(4) A council, in determining whether a consent is to be given, shall confer with such agencies or persons as are prescribed.

Notice of
decision

(5) Where a decision is made by a council to give a consent, written notice of the decision, setting out the conditions, if any, imposed to the giving of the consent, shall be sent, not later than ten days from the making of the decision, to the applicant, to every agency or person conferred with under subsection (4) that in writing requested to be given notice of the decision, to any other person who in writing requested to be given notice of the decision and to the Minister, if the Minister has notified the council by registered mail that he wishes to receive a copy of all decisions made to give a consent.

Idem

(6) Where a decision is made by a council to refuse to give a consent, written notice of the decision shall be sent not later than ten days from the making of the decision to the applicant and to the agencies and persons mentioned in subsection (5), other than the Minister, together with written reasons for the decision.

Appeal to
O.M.B.

(7) The applicant, the Minister and every agency or other person to whom notice of the decision was sent may within thirty days of the making of the decision appeal to the Municipal Board against the decision by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal setting out written reasons in support of the appeal and accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

R.S.O. 1980,
c. 347

Idem

(8) The clerk of the municipality upon receipt of a notice of appeal filed under subsection (7) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (7) to the Municipal Board by registered mail together with all papers and documents filed with the council relating to the

matter appealed from and such other documents and papers as may be required by the Board.

(9) The Minister in determining whether a consent is to be given shall confer with such officials, authorities, corporations, bodies or persons as the Minister considers may have an interest in the application and thereafter may, subject to subsections (10) to (18), give, or refuse to give, the consent. Minister may confer with officials, etc.

(10) Where the Minister proposes to impose conditions to the giving of a consent, the Minister shall give written notice to the applicant specifying the conditions, and the Minister may change the conditions at any time prior to the giving of the consent. Conditions

(11) Where the Minister proposes to refuse to give a consent, the Minister shall send notice to the applicant together with written reasons as to why it is proposed to refuse to give the consent and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the application for consent to the Municipal Board, the consent shall be deemed to have been refused. Reasons for refusal to give consent

(12) At any time before written notice is given to an applicant under subsection (10) specifying conditions, the Minister may, and upon application therefor accompanied by written reasons in support thereof shall, refer the application for consent to the Municipal Board unless, in the opinion of the Minister, referral to the Board would serve no useful purpose or unless, in the opinion of the Minister, the request is made only for the purpose of delay, but in no event may an application for consent be referred to the Board after the Minister has given or refused to give the consent. Referral to O.M.B.

(13) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions imposed or to be imposed by the Minister, he or it, at any time before the consent is given, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister. Idem

(14) On an appeal to the Municipal Board under subsection (7) or where an application for a consent is referred to the Board under subsection (12) or where conditions are referred to the Board under subsection (13), the Board shall hold a hearing of which notice shall be given to such agencies or persons and in such manner as the Board may determine. Hearing by O.M.B.

Dismissal
of appeal
without
hearing

(15) Despite subsection (14), the Municipal Board may, where it is of the opinion that the reasons in support of an appeal under subsection (7) are insufficient, dismiss the appeal without holding a hearing and where the Board does so it shall give written reasons therefor to the appellant, to the applicant where he is not the appellant, and to the council that made the decision from which the appeal was made.

Powers
of O.M.B.

(16) Following the hearing on an appeal under subsection (7) or a referral under subsection (12), the Municipal Board may make any decision that the council or the Minister, as the case may be, could have made on the original application and on a referral of conditions under subsection (13) the Board shall determine the question as to the condition or conditions referred to it.

Where consent
to be given

(17) Where under subsection (16) the decision of the Municipal Board is that a consent be given, the council or the Minister, as the case may be, shall thereupon give the consent, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Where
consent
may be
given

(18) Where the decision of the council or the Minister on an application is to give a consent and there has been no appeal under subsection (7) and no referral under subsection (12), the consent may be given, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Where
conditions
not
fulfilled

(19) Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice mentioned in subsection (5) or (10), as the case may be, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused.

Certificate
that consent
given

(20) When a consent has been given under this section, the clerk of the municipality, the council of which gave the consent or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent but, where the authority to give consents has been delegated under section 54 to a land division committee or to a committee of adjustment, the certificate shall be given by the secretary-treasurer of the appropriate committee.

(21) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (20) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister, as the case may be, in giving the consent may provide for an earlier lapsing of the consent.

When
consent
lapses

54.—(1) The council of a county or of a regional, metropolitan or district municipality, with the approval of the Minister, may, by by-law, delegate to the council of a constituent local or area municipality, as the case may be, the authority for the giving of consents under section 53 in respect of land situate in the local or area municipality.

Delegation
of authority
to give
consents to
constituent
municipality

(2) Where authority is delegated to a council under subsection (1), such council may, in turn, by by-law, delegate the authority or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Further
delegation

(3) The Minister may, at any time, revoke the approval given under subsection (1) by giving written notice thereof to the clerk of the council that passed the delegating by-law and to the clerk of the council that received the delegated authority and when such notice is given the delegation is thereupon terminated except that all applications for consent made prior to the giving of the notice shall continue to be dealt with as if the delegation had not been terminated.

Withdrawal
of delegated
powers

(4) Except as delegated under subsection (1), the authority or any part of such authority of a council of a county or of a council of a regional, metropolitan or district municipality may be delegated by the council to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a land division committee.

Delegation to
committee of
council, etc.

(5) The council of a city that is not situate within a regional municipality or that is not situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford and the council of any other local municipality that is within a county but that does not form part of the county for municipal purposes may, by by-law, delegate the authority of the council under section 53 or any part of such authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Idem

(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, the provisions of subsections 53 (2) to (21) apply with necessary

Committee of
adjustment

modifications and the provisions of subsections 45 (4) to (20) do not apply, in the exercise of that authority.

Conditions,
withdrawal

(7) A delegation of authority made by a council under this section may be subject to such conditions as the council by by-law provides and the council may by by-law withdraw the delegation of authority provided however, where authority delegated under subsection (1) is withdrawn, all applications for consent made prior to the withdrawal shall continue to be dealt with as if the delegation had not been withdrawn.

District land
division
committee,
delegation

55.—(1) The Minister by order may constitute and appoint one or more district land division committees composed of such persons as he considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 53 in respect of such lands situate in a territorial district as are defined in the order.

Conditions
and
withdrawal
of delegation

(2) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application
of s. 44

(3) Where the Minister has delegated his authority to a district land division committee under subsection (1), the provisions of subsections 44 (5), (6), (7), (8), (10) and (11) apply with necessary modifications.

Agreements

(4) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 51 (6) apply with necessary modifications to any such agreement.

Remuner-
ation

(5) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Application
of fees

(6) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

Land
division
committee

56.—(1) The council of a county or of a regional, metropolitan or district municipality may by by-law constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Application
of s. 44 (2-11)

(2) The provisions of subsections 44 (2) to (11) apply, with necessary modifications, where a land division committee is constituted under subsection (1) of this section.

57.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is made by the Minister.

Effect of
contravention
of
R.S.O. 1970,
c. 349, s. 29,
etc., on
conveyances
made prior
to March
19th, 1973

(2) No order shall be made by the Minister under subsection (1) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

Proviso

(3) A council may, as a condition to the passage of a by-law under subsection (2), impose such conditions in respect of any land described in the by-law as it considers appropriate.

Conditions

(4) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 53.

Proviso

PART VII

GENERAL

58. The provisions of the *Municipal Act* apply to the acquisition of land under this Act.

Application of
R.S.O. 1980,
c. 302,
to acquisition
of land

59. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Power to
clear, grade,
etc., lands
acquired

60. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Exchange
of lands

61. Despite any general or special Act, the *Statutory Powers Procedure Act* does not apply to any proceedings under section 17, 28 or 34 in or before the council of a municipality or a committee of council or, under section 19, in or before a planning board.

Where
R.S.O. 1980,
c. 484
not to apply

Application of Act to Ontario Hydro **62.**—(1) Except as provided in sections 3, 6 and 48 and sub-section (2) of this section, this Act does not affect Ontario Hydro.

Idem (2) Land and buildings owned by Ontario Hydro and used for executive, administrative or retail purposes or held under lease or licence from Ontario Hydro and any undertaking of Ontario Hydro, unless approved or exempted under the *Environmental Assessment Act*, are subject to this Act.

R.S.O. 1980, c. 140

Effect of approval or consent of O.M.B. **63.**—(1) Where a matter is referred to the Municipal Board under this Act, the approval or consent of the Board has the same force and effect as if it were the approval or consent of the Minister or the council of a municipality.

Deemed compliance with Act

(2) Where an approval or consent is given under this Act, the provisions of this Act leading to such approval or consent shall be deemed to have been complied with.

Non-application of R.S.O. 1980, c. 347, s. 94

64. Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of any order or decision of the Municipal Board made in respect of any matter referred or appealed to the Board under this Act.

Resumption by Minister of matters referred to O.M.B.

65. When under this Act the Minister has referred a matter to the Municipal Board, the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, but where a matter has been referred to the Board pursuant to the request of any person, the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

Effect of approval or consent under delegated authority

66. Where the Minister or the council of a municipality delegates under this Act the authority to give an approval or consent, an approval or consent given under the authority has the same force and effect as if it were the approval or consent of the Minister or the council as the case may be.

Penalty

67.—(1) Every person who contravenes section 41, 46 or 52 or who contravenes a by-law passed under section 34, 37 or 40 or an order made under section 47 is guilty of an offence and on conviction is liable,

(a) on a first conviction to a fine of not more than \$20,000; and

(b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is, Corporation

(a) on a first conviction a fine of not more than \$50,000; and

(b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted,

and not as provided in subsection (1).

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. Order of prohibition

68.—(1) Despite section 57 of the *Assessment Act*, it is not an offence to disclose the information referred to therein to any person who declares that such information is required in the course of his planning duties. Saving
R.S.O. 1980,
c. 31, s. 57

(2) A person who wilfully discloses or permits to be disclosed the information referred to in subsection (1) to any other person not likewise entitled in the course of his duties to acquire or have access to the information is guilty of an offence and on conviction is liable to a fine of not more than \$200, or to imprisonment for a term of not more than six months, or to both. Offence

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration. Exception

69.—(1) Municipalities and planning boards in formulating and implementing planning policies shall comply with such standards for the development of municipalities as are prescribed. Development standards

(2) Before any standard as mentioned in subsection (1) is prescribed, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed standard. Minister to confer with municipalities, etc.

70.—(1) The council of a municipality may by by-law prescribe a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by Tariff of fees

the council of the municipality in respect of the processing of each type of application provided for in the tariff.

Reduction
or waiver
of fees

(2) Notwithstanding that a tariff of fees is prescribed under subsection (1) the council of a municipality, a committee of adjustment or a land division committee in processing an application may reduce the amount of, or waive the requirement for the payment of a fee in respect of the application where the council or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.

Payment
under protest:
appeal to
O.M.B.

(3) Any person who is required to pay a fee for the processing of an application in respect of a planning matter may pay the amount of the fee under protest and thereafter appeal to the Municipal Board against the levying of the fee or the amount of the fee by giving written notice of appeal to the Municipal Board within thirty days of payment of the fee.

Hearing

(4) The Municipal Board shall hear an appeal made under subsection (3) and shall dismiss the appeal or direct that a refund payment be made to the appellant in such amount as the Board determines.

Regulations

71. The Lieutenant Governor in Council may make regulations,

- (a) prescribing for the purposes of subsection 17 (2), section 19, subsection 28 (4), subsection 34 (11), subsection 35 (4), subsection 37 (3) or subsection 45 (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;
- (b) providing for the charging of a fee on any application made in respect of a planning matter to a planning board that has had authority delegated to it by the Minister;
- (c) prescribing for the purposes of section 69, standards for the development of municipalities, which standards may vary according to population, geographic location or otherwise;
- (d) prescribing rules of procedure for committees of adjustment and land division committees constituted under sections 44, 55 and 56;
- (e) prescribing agencies or persons for the purposes of subsection 53 (4); and

- (f) prescribing for the purposes of subsection 45 (11), the additional information and material required to be sent to the Minister.

72. In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail. Conflict

73.—(1) Except as provided in subsection (2), every official plan that is in effect immediately before the day this Act comes into force shall remain in effect but may be amended or repealed in accordance with this Act. Official plans remain in effect

(2) Every official plan of a joint planning area that is in effect immediately before the day this Act comes into force shall be deemed to be repealed two years from that day, if not sooner repealed. Repeal of joint planning area official plans

(3) At any time during the two year period mentioned in subsection (2) the Minister may approve any amendment or repeal of an official plan of a joint planning area that may be proposed by the council of any municipality affected by the official plan. Amendment or repeal

74.—(1) Except as provided in subsection (3), on the day this Act comes into force all planning areas including joint planning areas and subsidiary planning areas, together with the planning boards thereof are dissolved. Planning areas and boards dissolved

(2) All the assets and liabilities of a planning board dissolved by this section are, in the case of a planning board of a planning area consisting of part or all of one municipality, assets and liabilities of such municipality and in the case of a planning board of a joint planning area, assets and liabilities of the municipalities that form part of the joint planning area and if such municipalities cannot agree as to the disposition of the assets and liabilities, the Municipal Board, upon the application of one or more of the municipalities, shall direct a final disposition thereof. Assets and liabilities

(3) Each planning area that immediately before the day this Act comes into force consists of the whole of two or more municipalities that are situate in a territorial district or consists of the whole of one or more municipalities and territory without municipal organization or consists solely of territory without municipal organization shall continue as a planning area under this Act without any change in name until altered or dissolved by the Minister. Planning areas that are continued

(4) Each planning board of a planning area mentioned in subsection (3) shall continue as a planning board under this Act Planning boards that are continued

without any change in name or constitution until the planning area is dissolved or the name or constitution of the planning board is changed by the Minister.

Members of
planning
boards
that remain
in office

(5) Persons who immediately before the day this Act comes into force are members of a planning board mentioned in subsection (4) shall remain in office until the expiry of the term of the council that appointed them and until their successors have been appointed under this Act.

R.S.O. 1980,
c. 379,
repealed

75. The *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, is repealed.

Interpre-
tation

76.—(1) In this section, “former Act” means the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980.

Matters, etc.,
continued
under
R.S.O. 1980,
c. 379

(2) Despite section 75, any matter or proceeding mentioned in subsection (3) that has been commenced under the former Act before the day this Act comes into force shall be continued and finally disposed of under the former Act.

When
matters, etc.,
deemed
commenced

(3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced, in the case of,

- (a) an official plan or an amendment thereto or a repeal thereof, on the day the by-law adopting the plan or adopting or proposing the amendment or repeal of the plan is passed;
- (b) a request under subsection 17 (3) of the former Act, on the day the request is made;
- (c) redevelopment under section 22 of the former Act, on the day the by-law designating the redevelopment area is passed;
- (d) subdivision of land under section 33 of the former Act, on the day the application is made under subsection (1) of that section;
- (e) a zoning by-law or an amendment thereto, on the day the by-law is passed;
- (f) an application under subsection 39 (23) of the former Act, on the day the application is made;
- (g) development in a site plan control area, on the day the application is made under subsection 40 (4) of the former Act;

- (h) an application made to a committee of adjustment, a land division committee or planning board for a planning area in a territorial district, on the day the application is made; and
- (i) an application to the Minister for a consent under section 29 of the former Act, on the day the application is made.

77. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

78. The short title of this Act is the *Planning Act, 1982*. Short title

An Act to revise the Planning Act

1st Reading

March 9th, 1982

2nd Reading

March 9th, 1982

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs
and Housing

(Government Bill)

BILL 159

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revise the Planning Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Reprinted as amended by the General Government Committee)



TORONTO

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The Bill is divided into the following Parts:

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EXPLANATORY NOTES

The Bill is a revision of the *Planning Act*.

Many of the provisions of that Act, as they now exist, have been carried forward in the Bill, but within a re-organized format. The principal changes include:

1. Provincial interests in municipal planning are broadly identified to form a framework for local decision-making.
2. Provision is made for the Province to issue statements of policy, approved by the Lieutenant Governor in Council, on specific matters related to municipal planning.
3. The delegation of the powers of approval of the Minister of Municipal Affairs and Housing will be extended from regional municipalities to counties, cities outside of regional municipalities, separated towns, and other municipalities, provided specific criteria are met.
4. Provincial ministries, boards and agencies must consult and take local planning policies into account in carrying out activities that affect municipalities.
5. In southern Ontario, planning between two or more municipalities becomes a voluntary matter; in northern Ontario the existing provisions for joint planning remain.
6. Planning boards will no longer have a statutory role to plan in southern Ontario and this responsibility will rest directly with municipal councils.
7. Official plans will be focused primarily on physical matters, but attention will have to be paid to social, economic and environmental concerns in developing such plans.
8. Before adopting an official plan or zoning by-law, a municipality will have to ensure that adequate information is made available and for that purpose to hold at least one public meeting at which any person who attends will be afforded an opportunity to make representations.
9. Petitions to the Lieutenant Governor in Council on planning matters will be discontinued; instead the Municipal Board will hear and decide all planning appeals, but the Minister will be able to define a matter to be of provincial interest in which case the Board's decision is not final and binding unless the Lieutenant Governor in Council has confirmed the decision.
10. If a matter of provincial interest, as set out in an approved policy statement, is at stake, the Minister may request a municipality to amend its official plan.
11. Once an upper-tier official plan has been approved, all lower-tier official plans and zoning by-laws must be brought into conformity with the upper-tier plan.
12. The existing system of controlling the development of land through zoning is retained, while being expanded and clarified to allow municipalities specific zoning controls in different types of by-laws.

13. With some exceptions in northern Ontario, land severances will be granted by regional municipalities, counties and cities outside of regions, with provision for regional municipalities and counties to delegate consents to any local municipality with the Minister's concurrence.
14. The matters to be considered in approving a subdivision plan have been expanded to include the effect of the physical layout on energy conservation measures.
15. Ontario Hydro will be exempt from the provisions of the Act, except for lands and buildings used for executive and administrative purposes and except for undertakings of Ontario Hydro, unless approved under the *Environmental Assessment Act*.
16. The penalties that can be imposed for the violation of municipal by-laws under the Act have been substantially increased.
17. The different time periods for notice, referral and appeal provided for throughout the Act have been made as consistent as possible.

Provision is made for the dissolution of planning areas and planning boards in southern Ontario and for their continuation in northern Ontario; for the continuation of official plans in effect prior to the coming into force of the new Act, and for the disposition of various matters and proceedings that have been commenced, but not completed, under the existing *Planning Act* prior to the coming into force of the new Act.

BILL 159

1982

An Act to revise the Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “committee of adjustment” means a committee of adjustment constituted under section 43;
- (b) “land division committee” means a land division committee constituted under section 55;
- (c) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (d) “local municipality” means a city, town, village and township;
- (e) “Minister” means the Minister of Municipal Affairs and Housing;
- (f) “Municipal Board” means the Ontario Municipal Board;
- (g) “municipality” means a local municipality, a county and a regional, metropolitan or district municipality;



- (h) “official plan” means a document approved by the Minister, containing objectives and policies established primarily to provide guidance for the physical development of a municipality or a part thereof or an

area that is without municipal organization, while having regard to relevant social, economic and environmental matters;

- (i) "prescribed" means prescribed by the regulations;
- (j) "public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board;
- (k) "regulations" means regulations made under this Act.

PART I

PROVINCIAL ADMINISTRATION

Responsi-
bility of
Minister

2. The Minister, in carrying out his responsibilities under this Act, will have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of the natural environment, including the agricultural resource base of the Province, and the management of natural resources;
- (b) the protection of features of significant natural, architectural, historical or archaeological interest;
- (c) the supply, efficient use and conservation of energy;
- (d) the provision of major communication, servicing and transportation facilities;
- (e) the equitable distribution of educational, health and other social facilities;
- (f) the co-ordination of planning activities of municipalities and other public bodies;
- (g) the resolution of planning conflicts involving municipalities and other public bodies;
- (h) the health and safety of the population; and
- (i) the protection of the financial and economic well-being of the Province and its municipalities.



3.—(1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.

Policy
statements

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.

Minister to
confer



(3) Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.

Notice

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.

Idem

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1).

Regard to
be had to
policy
statements

4.—(1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council any of the Minister's authority under this Act other than the authority to approve the official plan or amendments thereto of the municipality of which it is the council, under section 50 of the *Condominium Act*, under subsection 298 (11) and subsection 306 (2) of the *Municipal Act*, under subsection 82 (3) of the *Registry Act* and under section 145 of the *Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Delegation of
Minister's
powers:
to
municipality
R.S.O. 1980,
cc. 84, 302,
445, 230



(2) The Minister, on the request of the planning board of any planning area in a territorial district, may, by order, delegate to the planning board any of the Minister's authority under this Act, other than the authority to approve official plans and

to planning
board

amendments thereto, and where the Minister has delegated any such authority the planning board has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the planning board shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(3) A delegation made by the Minister under subsection (1) or (2) may be subject to such conditions as the Minister may by order provide.

Withdrawal of
delegation of
powers

(4) The Minister may by order, accompanied by a written explanation therefor, withdraw any delegation made under subsection (1) or (2) and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation, and immediately following any such withdrawal the council or the planning board, as the case may be, shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation or the planning board that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council or the planning board prior to such withdrawal.

Further
delegation
of powers

5.—(1) Where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.


Idem

(2) In addition to the authority of a council to, in turn, delegate any authority under subsection (1), where the Minister has delegated to a council his authority for the giving of consents under section 52, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate the authority for the giving of consents to a committee of adjustment constituted under section 43 and the provisions of subsections 52 (2) to (9) and 52 (15) to (22) apply with necessary modifications in the exercise of that authority.

Conditions

(3) A delegation made by a council under subsection (1) or (2) may be subject to such conditions as the council may by by-law

provide and as are not in conflict with any conditions provided by order of the Minister under section 4.

(4) A council may by by-law withdraw any delegation made under subsection (1) or (2), whereupon the provisions of subsection 4 (4) apply with necessary modifications.  Withdrawal of delegation of powers

6.—(1) In this section, “ministry” means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government and Ontario Hydro. Interpretation



(2) A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality. Consultation

7. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants of money to assist in the performing of any duty or function of a planning nature. Grants

PART II

LOCAL PLANNING ADMINISTRATION

8.—(1) The council of a municipality may appoint a planning advisory committee composed of such persons as the council may determine. Planning advisory committee

 (2) The councils of two or more municipalities may enter into agreement to provide for the joint undertaking of such matters of a planning nature as may be agreed upon and may appoint a joint planning advisory committee composed of such persons as they may determine.  Joint planning by agreement

(3) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning to their respective municipalities the costs of the payments. Remuneration

9.—(1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situate in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization. Planning area defined by Minister

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the Planning board for planning area

Appointments to board planning area and the number of members, if any, to be appointed by the Minister.

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2) and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized.

Term of office

(4) The members,

(a) appointed by the council of each municipality shall hold office for the term of the council that appointed them; and

(b) appointed by the Minister shall hold office for the term specified by the Minister in their appointment,

and until their successors are appointed.

Planning area in unorganized territory

10. The Minister may define and name a planning area consisting of territory without municipal organization and may establish and name a planning board for the planning area and appoint the members thereof.

Body corporate, quorum

11.—(1) A planning board is a body corporate and a majority of its members constitutes a quorum.

Chairman

(2) A planning board shall annually elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Secretary-treasurer, employees, consultants

(3) A planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is considered appropriate.

Execution of documents

(4) The execution of documents by a planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the board.

Estimates: one municipality

12.—(1) A planning board established by the Minister for a planning area consisting of one municipality and territory without municipal organization shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

two or more municipalities

(2) In the case of a planning board established for a planning area consisting of two or more municipalities or consisting of two

or more municipalities and territory without municipal organization, the planning board shall annually submit its estimates to the council of each of such municipalities together with a statement as to the proportion thereof to be chargeable to each municipality.

(3) If the estimates submitted under subsection (2) are approved, or are amended and approved, by the councils of municipalities representing more than one-half of the population of the planning area for which the board was established, the estimates are binding on all the municipalities. When estimates binding

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality involved and shall notify each such municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2). Notification

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection (4), notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Board. Where apportionment not satisfactory

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final. Power of O.M.B.

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Municipal Board under subsection (6), as the case may be. Payment

13. Any municipality within a planning area may make grants of money to the planning board of the planning area. Municipal grants

14.—(1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board, Duties of planning board: advice and assistance

(a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or

(b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

(2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan preparation of official plan

suitable for adoption as the official plan of the municipality of which it is the council.

Upper-tier municipalities; planning functions

15. The council of a county or of a regional, metropolitan or district municipality, on such terms and conditions as may be agreed upon with the council of a local municipality that for municipal purposes forms part of the county or that forms part of the regional, metropolitan or district municipality, as the case may be, may,

- (a) assume any authority, responsibility, duty or function of a planning nature that the local municipality has under this or any other Act; or
- (b) provide advice and assistance to the local municipality in respect of planning matters generally.

PART III

OFFICIAL PLANS



Contents of official plan

16. In addition to the objectives and policies referred to in clause 1 (*h*), an official plan may contain a description of,

- (a) the measures and procedures proposed to attain the objectives of the plan; and
- (b) the measures and procedures for informing and securing the views of the public in respect of a proposed amendment to, or of a proposed revision of, the plan, or in respect of a proposed zoning by-law.

Preparation of official plan by municipality

17.—(1) The council of a municipality may provide for the preparation of a plan suitable for adoption as the official plan of the municipality.

Information and public meeting

(2) The council shall ensure that in the course of the preparation of the plan adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed.

Time for meeting, etc.

(3) The meeting mentioned in subsection (2) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed plan.

(4) Where an official plan contains provisions describing the measures for informing and securing the views of the public in respect of amendments that may be proposed for the plan, the provisions of subsections (2) and (3) do not apply to such amendments if the measures are complied with. Alternative procedure

(5) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed plan adequate information, and before adopting the plan the council shall afford them an opportunity to submit comments in respect of the plan up to such time as is specified by the council. Comments by agencies, etc.

(6) When the requirements of subsections (2), (3), (4) and (5) have been met and the council is satisfied that the plan as finally prepared is suitable for adoption, it may by by-law adopt the plan and submit it to the Minister for approval. Adoption of plan

(7) When the plan is adopted, the council shall cause to be compiled and forwarded to the Minister a record which shall include, Record

- (a) a certified copy of the by-law adopting the plan;
- (b) a statement by an employee of the municipality certifying that the requirements for the giving of notice and the holding of at least one public meeting as mentioned in subsection (2) or as described in the provisions of the official plan mentioned in subsection (4), as the case may be, and, for the giving of notice as mentioned in subsection (8), have been complied with;
- (c) the original or true copy of all written submissions or comments and accompanying material received prior to the adoption of the plan; and
- (d) such other information or material as the Minister may require.

(8) Where the council adopts the plan, the clerk of the municipality shall, not later than fifteen days after the day the plan was adopted, give written notice of the adoption of the plan to the Minister, to each person who filed with the clerk a written request to be notified if the plan is adopted and to each body that submitted comments under subsection (5) and that in writing requested to be notified if the plan is adopted. Notice

(9) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister Approval, refusal to approve or modification of plan by Minister

considers may have an interest in the approval of the plan and, subject to subsection (11), may then approve, or, after consultation with the council, refuse to approve the plan or, if modifications appear desirable to the Minister, he may, after consultation with the council, make the modifications to the plan and approve the plan as modified.

Approval of
plan in
part

(10) The Minister, instead of approving the whole of the plan, may approve part only of the plan and may, from time to time, approve additional parts of the plan, provided that nothing herein derogates from the right of any person or other body to request the Minister to refer any part of the plan to the Municipal Board under subsection (11).

Referral of
plan or part
thereof to
O.M.B.

(11) The Minister may refer the plan or any part of the plan to the Municipal Board and where the council or any person or other body requests the Minister to refer the plan or any part of the plan to the Municipal Board, the Minister shall refer the plan or such part to the Board, together with the statement mentioned in subsection (12), unless in his opinion, such request is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay.

Reasons

(12) Where a person submits a request to the Minister under subsection (11), he shall include therewith a statement in writing setting out the reasons for the request.

Explanation
for refusal
to refer

(13) Where the Minister refuses to refer the plan or any part of the plan to the Municipal Board as requested under subsection (11), he shall provide a written explanation for the refusal.

Parties

(14) The parties to a referral are the person or other body, if any, that requested the referral, the municipality and any person or other body added as a party by the Municipal Board.

Adding of
parties

(15) The Municipal Board may add as a party to the referral any person, including the Minister or other body who applies to the Board to be added as a party.

Representations
by person not
a party

(16) Despite the fact that a person is not a party to the referral, the Municipal Board may permit the person to make representations at the hearing.

Hearing and
notice
thereof

(17) On a referral to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the referral, and to such other persons or bodies as the Board considers appropriate.

Decision

(18) The Municipal Board may make any decision that the Minister could have made.

(19) Where the plan or any part of the plan is referred to the Municipal Board under subsection (11), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the part thereof, may so advise the Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the plan or the part or parts of the part of the plan, as the case may be, by which the provincial interest is, or is likely to be, adversely affected.

Where provincial interest adversely affected

(20) Where the Municipal Board has received notice from the Minister under subsection (19) the decision of the Board is not final and binding in respect of the part or parts identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the part or parts.

Decision where provincial interest

(21) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the plan identified in the notice and in doing so may direct the Minister to modify the part or parts of the plan.

Power of Lieutenant Governor in Council

18.—(1) Where a plan is prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board.

Recommendation of plan

(2) When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy,

Submission of plan to council

(a) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area; and

(b) in the case of a plan prepared at the request of a single municipality, to the council of that municipality,

together with a recommendation that it be adopted by the council.

(3) Each council to which the plan is submitted may, subject to subsections 17 (2) to (6), by by-law adopt the plan and the clerk of each municipality, the council of which adopted the plan, shall provide the secretary-treasurer of the planning board with a certified copy of the adopting by-law and shall comply with subsections 17 (7) and (8).

Adoption of plan

(4) When the secretary-treasurer of the planning board has received a certified copy of an adopting by-law from a majority

Submission of plan to Minister

of the councils to which the plan was submitted he shall submit the plan to the Minister for approval together with each certified copy of the adopting by-law, and thereafter subsections 17 (9) to (21) apply.

Application of
s. 17 (2-21)

(5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality.

Adoption of
plan in
unorganized
territory

19. Before adopting a plan for a planning area consisting solely of territory without municipal organization, the planning board,

- (a) shall ensure that in the course of the preparation of the plan adequate information is made available to the public through the holding of one or more public meetings or, in the case of an amendment to the official plan, through such other measures as are provided for in the official plan, and shall afford every person who so requests an opportunity to make representation in respect of the plan; and
- (b) shall provide to such boards, commissions, authorities or other agencies as the planning board considers may have an interest in the proposed plan adequate information, and shall afford them an opportunity to submit comments in respect of the plan up to such time as is specified by the planning board,

and thereafter subsections 17 (6) to (21) apply, with necessary modifications, as though the planning board were the council of a municipality and the secretary-treasurer were the clerk of the municipality.

Lodging
of plan

20.—(1) Two certified copies of the official plan shall be lodged in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister.

Who to
lodge plan

(2) The lodging required by subsection (1) shall be carried out,

- (a) in the case of an official plan that applies to only one municipality or part thereof or to only one municipality and territory without municipal organization, by the clerk of the municipality; and

- (b) in the case of an official plan that applies to more than one municipality or parts thereof, by the clerk of the municipality that has the largest population.

(3) All copies lodged under subsection (1) shall be available for public inspection during office hours. Public inspection

21.—(1) Except as hereinafter provided, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, provided that the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and the provisions of section 17 apply to any such amendment or repeal. Amendment or repeal of plan

(2) Where the Minister is satisfied that there is not a matter of provincial interest adversely affected by an amendment to an official plan submitted to him for approval and no request for referral has been received under subsection 17 (11) he may, in writing, waive the requirement for approval thereof, whereupon the amendment shall be deemed to be approved. Waiver of requirement for approval

22.—(1) Where any person requests a council to initiate an amendment to an official plan, other than an official plan that applies in whole or in part to territory without municipal organization, and the council refuses to adopt the amendment or fails to adopt it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Referral of proposed amendment to plan to O.M.B.

(2) Where any person requests a planning board to initiate an amendment to an official plan that applies in whole or in part to territory without municipal organization and the planning board refuses to adopt the amendment or to recommend the amendment for adoption, as the case may be, or fails to adopt or recommend it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Idem

(3) The Minister may confer on the proposed amendment in like manner as he is authorized to confer under subsection 17 (9) and he may refuse the request to refer the proposed amendment to the Municipal Board on providing a written explanation for the refusal or may refer the proposed amendment to the Board. Powers of Minister to confer, etc.

(4) The provisions of subsections 17 (14) to (17) apply with necessary modifications when a proposed amendment is referred to the Municipal Board under subsection (3) and the Board shall hold a hearing and thereafter reject the proposed amendment or make the amendment in such manner as the Board may deter- Application of s. 17 (14-17)

mine or direct that the council cause the amendment to be made in the manner provided in the order of the Board.

Where provincial interest adversely affected

(5) Where a proposed amendment is referred to the Municipal Board under subsection (3), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the proposed amendment, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the proposed amendment by which the provincial interest is, or is likely to be, adversely affected.

Procedure by O.M.B.

(6) Where the Municipal Board receives notice from the Minister under subsection (5) the provisions of subsections 17 (20) and (21) apply with necessary modifications.

Request by Minister to amend plan

23.—(1) Where the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under section 3 is, or is likely to be, adversely affected by an official plan, the Minister may request the council of a municipality to adopt such amendment as the Minister specifies to an official plan and, where the council refuses the request or fails to adopt the amendment within such time as is specified by the Minister in his request, the Minister may make the amendment.

Hearing by O.M.B.

(2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Municipal Board to hold a hearing on the proposed amendment and the Board shall thereupon hold a hearing as to whether the amendment should be made.

Refusal to refer to O.M.B.

(3) Despite subsection (2), where the Minister is of the opinion that a request of any person or municipality made under subsection (2) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, he may refuse the request.

Notice

(4) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (2), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Decision of O.M.B.

(5) The Municipal Board, after the conclusion of the hearing, shall make a decision as to whether the proposed amendment, or an alternative form of amendment, should be made but the

decision is not final and binding unless the Lieutenant Governor in Council has confirmed it.

(6) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board made under subsection (5) and in doing so may direct the Minister to amend the plan in such manner as the Lieutenant Governor in Council may determine.

Powers of
L. G. in C.

24.—(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.

Public works
and by-laws
to conform
with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and the by-law shall be conclusively deemed to have conformed with the official plan on and from the day it was passed if the Minister approves the amendment to the official plan.

Validity
of by-laws
conforming
with
amendments
to plans

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.

Preliminary
steps that
may be taken
where proposed
public work
would not
conform with
official plan

(4) Where a by-law is passed under section 34 by the council of a municipality in which an official plan is in effect and, within the time limited for appeal,

When zoning
by-law deemed
to conform
with official
plan

(a) no appeal is taken; or

(b) an appeal is taken and the appeal is dismissed or the by-law is amended as directed on the appeal,

the by-law shall be conclusively deemed to be in conformity with the official plan, except that where the by-law is passed in the circumstances mentioned in subsection (2) the by-law shall be conclusively deemed to be in conformity with the official plan on and from the day the by-law was passed, if the Minister approves the amendment to the official plan as mentioned in subsection (2).

25.—(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister after the 28th day of June, 1974, the council may, in accordance with such provi-


Acquisition
of lands in
accordance
with
provisions
of plan

sions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Contribution
towards cost

(2) Any municipality may contribute towards the cost of acquiring land under this section.


Determination
of need for
revision of
plan

 **26.**—(1) The council of every municipality that has adopted and had approved an official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purpose of determining the need for a revision of the official plan.

Notice

(2) Notice of every special meeting held under subsection (1) shall be published at least once a week in each of two separate weeks, such publication to be completed not later than thirty days before the date of the meeting, and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the need for a revision of the plan.

Direction by
Minister

(3) Despite subsection (1), the Minister may, at any time, direct the council of a municipality to undertake a revision of any official plan or part thereof in effect in the municipality and when so directed the municipal council shall cause the revision to be undertaken without undue delay. 

Amendments
to conform
with upper-tier
plans

27.—(1) When the Minister has approved an official plan adopted by a county or by a regional, metropolitan or district municipality,

(a) every official plan; and

(b) every zoning by-law passed under section 34 of this Act or a predecessor thereof,

that is then in effect in the area affected by the county, regional, metropolitan or district plan shall be amended to conform therewith.

Amendment
by upper-tier
municipality

(2) Where an official plan is approved as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year of the approval of the plan, the council of the county or of the regional, metropolitan or district municipality may thereupon amend the official plan or zoning by-law, as the case may be, in like manner and subject to the same requirements and procedures as if such council was the council that failed to make the amendment within the one year period as herein required.

Deemed to
be by-law of
lower-tier
municipality

(3) Where an amending by-law is passed under subsection (2) by the council of a county or the council of a regional, metropolitan or district municipality, the amending by-law shall be

deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended.



(4) In the event of a conflict between the official plan of a county or of a regional, metropolitan or district municipality and the official plan of a local municipality, the plan of the county or of the regional, metropolitan or district municipality, as the case may be, prevails to the extent of such conflict, but in all other respects the official plan of the local municipality remains in full force and effect.

Where
conflict
between
plans



PART IV

COMMUNITY IMPROVEMENT

28.—(1) In this section,

Interpre-
tation

(a) “community improvement” means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;

(b) “community improvement plan” means a plan approved by the Minister for the community improvement of a community improvement project area;

(c) “community improvement project area” means an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other reason.

(2) Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area.

Designation
of community
improvement
project area

(3) When a by-law has been passed under subsection (2), the municipality may,

Acquisition
and clearance
of land

(a) acquire land within the community improvement project area with the approval of the Minister if the land is acquired before the community improvement plan mentioned in subsection (4) is approved and without the approval of the Minister if the land is acquired after the community improvement plan is approved;

- (b) hold land acquired before or after the passing of the by-law within the community improvement project area; and
- (c) clear, grade or otherwise prepare the land for community improvement.

Preparation
of
community
improvement
plan

(4) When a by-law has been passed under subsection (2), the council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area and the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the community improvement plan and any amendments thereto, provided however, where an official plan contains provisions describing the measures mentioned in subsection 17 (4), the provisions of subsections 17 (2) and (3) do not apply in respect of the community improvement plan and any amendments thereto, if the measures are complied with.

Deemed
community
improvement
plan

(5) The Minister may, in writing, deem the provisions relating to community improvement mentioned in subsection (2) to be a community improvement plan for the purposes of this section.

Powers of
council
re land

(6) For the purpose of carrying out the community improvement plan, the municipality may,

- (a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- (b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.

Grants or
loans

(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

Application
of s. 32 (2, 3)

(8) The provisions of subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section.

Conditions of
sale, etc.

(9) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan is in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the

community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time.

(10) An agreement entered into under subsection (9) may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land.

Registration of agreement

R.S.O. 1980, cc. 445, 230

(11) Despite subsection 143 (1) of the *Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides.

Debentures

R.S.O. 1980, c. 302

(12) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area.

Dissolution of area



29.—(1) A municipality, with the approval of the Minister, may enter into agreement with any governmental authority or any agency thereof created by statute, for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the municipality.

Agreement re studies and development

(2) Despite subsection (1), a municipality may enter into agreement with one or more other municipalities under subsection (1) without the approval of the Minister.

Where approval of Minister not required



30. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the community improvement of a community improvement project area as defined in section 28, including the carrying out of studies for the purpose of selecting areas for community improvement.

Agreements for grants in aid of community improvement

31.—(1) In this section,

Interpretation

(a) “committee” means a property standards committee established under this section;

- (b) “occupant” means any person or persons over the age of eighteen years in possession of the property;
- (c) “officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) “owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- (e) “property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) “repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in a by-law passed under this section.

Adoption of
policy
statement

(2) Where there is no official plan in effect in a local municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

Standards
for
maintenance
and
occupancy

(3) If,

- (a) an official plan that includes provisions relating to property conditions is in effect in a local municipality; or
- (b) the council of a local municipality has adopted a policy statement as mentioned in subsection (2),

the council of the municipality may pass a by-law,

- (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;

- (d) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

(4) Subject to subsection (5), when a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property. Inspection

(5) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant. Entry into dwelling place
R.S.O. 1980, c. 400

(6) If, after inspection, the officer is satisfied that in some respect the property does not conform with the standards prescribed in the by-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to, the owner of the property and all persons shown by the records of the land registry office and the sheriff's office to have any interest therein a notice containing particulars of the nonconformity and may, at the same time, provide all occupants with a copy of such notice. Notice of violation

(7) After affording any person served with a notice provided for by subsection (6) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing, Contents of order

- (a) the municipal address or the legal description of such property;
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the

municipality may carry out the repair or clearance at the expense of the owner; and

(c) the final date for giving notice of appeal from the order.

Order to
be sent to
last known
address

(8) A notice or an order under subsection (6) or (7), when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

Substituted
service

(9) If the officer is unable to effect service under subsection (6) or (7), he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Registration
of notice

(10) An order under subsection (7) may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (7) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

Property
standards
committee

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Chairman,
acting
chairman,
secretary

(12) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member as acting chairman and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.

Remuner-
ation

(13) The members of the committee shall be paid such compensation as the council may provide.

Filing of
documents, etc.
R.S.O. 1980,
c. 302

(14) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Quorum and
procedure

(15) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before

hearing an appeal under subsection (17) shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

(16) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

Appeal to
committee

(17) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

Decision
on appeal

(18) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (17) may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,

Appeal to
judge

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge on such appeal has the same powers and functions as the committee.

(19) The order, as deemed to have been confirmed under subsection (16), or as confirmed or modified by the committee under subsection (17) or, in the event of an appeal to the judge under subsection (18), as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Effect of
decisions

(20) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,

Power of
corporation
to repair or
demolish

(a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

(b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.


Certificate of compliance

(21) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection (3), and the council of a municipality may prescribe a fee payable for such a certificate where it is issued at the request of the owner.

Enforcement

(22) An owner who fails to comply with an order that is final and binding under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each day that the contravention has continued.

Emergency order

 (23) Despite any other provisions of this section, if upon inspection of a property the officer is satisfied there is nonconformity with the standards prescribed in the by-law to such extent as to pose an immediate danger to the health or safety of any person the officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

Emergency powers

(24) After making an order under subsection (23), the officer may, either before or after the order is served, take or cause to be taken any measures he considers necessary to terminate the danger, and for this purpose the municipality has the right, through its servants and agents, to enter in and upon the property from time to time.

No compensation where reasonable exercise of powers

(25) The officer, the municipality or anyone acting on behalf of the municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (24).

Service of order and statement

(26) Where the order was not served before measures were taken by the officer to terminate the danger, as mentioned in subsection (24), the officer shall forthwith after the measures have been taken, serve or send copies of the order, in accordance with subsections (7), (8) and (9), on or to the owner of the property and all persons mentioned in subsection (6) and each copy of

the order shall have attached thereto a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

(27) Where the order was served before the measures were taken the officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subsection (26), in accordance with subsections (7), (8) and (9), on or to the owner of the property and all persons mentioned in subsection (6). Separate service of statement

(28) Forthwith after the requirements of subsection (26) or (27) have been complied with the officer shall apply to a judge of the county or district court of the judicial district in which the property is situate for an order confirming the order made under subsection (23), and Application to county judge

(a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;

(b) the appointment shall be served in the manner prescribed by the judge; and

(c) the judge in disposing of the application may confirm the order or may modify or quash it and shall make a determination as to whether the amount expended by the municipality in taking the measures to terminate the danger may be recovered by the municipality in whole, in part or not at all.

(29) The disposition of the application under clause (28) (c) is final and binding. Disposition by judge final

(30) Where a municipality demolishes or repairs property as mentioned in subsection (20) or takes measures to terminate a danger as mentioned in subsection (24) the municipality may recover the expense incurred in respect thereof by any or all of the methods provided for in section 325 of the *Municipal Act*, except that such amount, if any, as is to be borne by the municipality as a result of a determination under clause (28) (c) may not be recovered. Recovery of expense

R.S.O. 1980,
c. 302

32.—(1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31 (6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe. Grants or loans for repairs

Loans
collected as
taxes, lien
on land

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Registration
of
certificate

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

Interpre-
tation

33.—(1) In this section,

- (a) "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) "residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

Establishment
of demolition
control area
by by-law

(2) When a by-law under section 31 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Council
may issue
or refuse
to issue
permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Appeal to
O.M.B.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant

may appeal to the Municipal Board and the Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

(5) The person appealing to the Municipal Board under subsection (4) shall, in such manner and to such persons as the Board may direct, give notice of the appeal to the Board.

Notice of
appeal

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Application
for demolition
permit
where building
permit issued

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Conditions of
demolition
permit

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Registration
of certificate

(9) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Appeal to
O.M.B.

Application
to council for
relief from
conditions of
demolition
permit

(10) Where any person who has obtained a demolition permit under subsection (6) that is subject to conditions under subsection (7) considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection (11) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Powers of
council on
application

(11) Where an application is made under subsection (10), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Appeal to
O.M.B.

(12) Any person who has made application to the council under subsection (10) may appeal from the decision of the council to the Municipal Board within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection (11) and the decision of the Board shall be final.

Offence

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential property has been demolished, or to imprisonment for a term of not more than six months, or to both.

Standards
for health
and safety
remain in
force

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Certain
proceedings
stayed

(15) Subject to subsection (14), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any

by-law under section 31 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon.

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in section 5 of the *Building Code Act*. Application of R.S.O. 1980, c. 51, s. 5

PART V

LAND USE CONTROLS AND RELATED ADMINISTRATION



34.—(1) Zoning by-laws may be passed by the councils of local municipalities: Zoning by-laws

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway. Restricting use of land
2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway. Restricting erecting, locating or using of buildings
3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy or unstable. Marshy lands, etc.
4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy. Construction of buildings or structures
5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be Minimum elevation of doors, etc.

erected or located within the municipality or within any defined area or areas of the municipality.

Loading or
parking
facilities

6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway.

Pits and
quarries

- (2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1).

Minimum
area and
density
provisions

- (3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law.

Interpre-
tation
R.S.O. 1980,
c. 302

- (4) A trailer as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* and a mobile home as defined in clause 45 (1) (a) of this Act shall be deemed to be a building or structure for the purposes of this section.

Prohibition
of use of
land, etc.,
availability of
municipal
services

- (5) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection (1) or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Certificates of
occupancy

- (6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

Use of maps

- (7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition
and disposition
of non-
conforming
lands

- (8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land,

building or structure or may exchange any of such land for other land within the municipality.

(9) No by-law passed under this section applies,

Excepted
lands and
buildings

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the *Building Code Act*, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the *Building Code Act*.

R.S.O. 1980,
c. 51

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

By-law
may be
amended

(11) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or amend the by-law in such manner as the Board may determine or direct that the by-law be amended in accordance with its order.

Appeal to
O.M.B.

(12) Before passing a by-law under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the proposed by-law.

Information
and public
meeting

(13) The meeting mentioned in subsection (12) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded

Time for
meeting,
etc.

an opportunity to make representation in respect of the proposed by-law.

Alternative
procedure

(14) Where there is an official plan in effect in the municipality that contains provisions describing the measures for informing and securing the views of the public in respect of proposed zoning by-laws the provisions of subsections (12) and (13) do not apply to such proposed by-laws if the measures are complied with.

Comments
by agencies,
etc.

(15) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed by-law, adequate information, and before passing the by-law the council shall afford them an opportunity to submit comments in respect of it up to such time as is specified by the council.

Further
notice

(16) Where a change is made in a proposed by-law after the holding of the meeting mentioned in subsection (12), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.

Notice of
passing of
by-law

(17) Where the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11), the clerk of the municipality shall, not later than fifteen days after the day the by-law was passed, give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed.

Appeal to
O.M.B.

(18) Any person including the Minister or agency may, within thirty-five days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

When by-law
deemed to
have come
into force

(19) When no notice of appeal is filed under subsection (18), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the Minister has approved the amendment to the official plan as mentioned in subsection 24 (2).

Affidavit re
no appeal,
etc.

(20) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (17) or that no

notice of appeal was filed under subsection (18) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.

(21) The clerk of the municipality, upon receipt of a notice of appeal under subsection (18), shall compile a record which shall include, Forwarding of record, etc., to O.M.B.

- (a) a copy of the by-law certified by him;
- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (17) have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law prior to the passing thereof,

and the clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board and shall provide such other information or material as the Board may require in respect of the appeal.

(22) The parties to an appeal are the appellant, the municipality and any person or agency added as a party by the Municipal Board. Parties

(23) The Municipal Board may add as a party to the appeal any person including the Minister, or agency who applies to the Board to be added as a party. Adding of parties

(24) Despite the fact that a person is not a party to the appeal, the Municipal Board may permit the person to make representations at the hearing. Representations by person not party

(25) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the appeal, and to such other persons as the Board considers appropriate. Hearing

(26) Despite subsection (25), the Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal. Dismissal of appeal without hearing

(27) The Municipal Board may, Powers of O.M.B.

- (a) dismiss the appeal; or

- (b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order.

Where provincial interest adversely affected

(28) Where an appeal has been filed under subsection (18), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the by-law, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected.

Procedure

(29) Where the Municipal Board has received notice from the Minister under subsection (28) and has made a decision on the by-law the Board shall not make an order under subsection (27) in respect of the part or parts of the by-law identified in the notice.

Power of L.G. in C.

(30) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such manner as the Lieutenant Governor in Council may determine.

When by-law deemed to have come into force

(31) Where one or more appeals have been filed under subsection (18), the by-law does not come into force until all of such appeals have been finally disposed of whereupon the by-law, except for such parts thereof as are repealed or amended in accordance with the direction of the Municipal Board or as are repealed or amended by the Municipal Board or by the Lieutenant Governor in Council as mentioned in subsections (27) and (30), shall be deemed to have come into force on the day it was passed.

Holding provision by-law

35.—(1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol "H" (or "h") in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the use of the holding symbol mentioned in subsection (1).

Appeal to O.M.B.

(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council

refuses or neglects to make a decision thereon within thirty days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order.

(4) Subsections 34 (11) to (26) do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of its intention to pass the amending by-law. Application of s. 34 (11-26)

36.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law. Increased density, etc., provision by-law

(2) A by-law may not be passed containing the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the authorization of increases in height and density of development. Condition

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters. Agreements

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. Registration of agreement
R.S.O. 1980,
cc. 445, 230

37.—(1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law. Interim control by-law

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will Extension of period by-law in effect

be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Notice of
passing of
by-law

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof.

Appeal to
O.M.B.

(4) Any person or agency to whom notice of a by-law was given under subsection (3) may, within sixty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Application of
s. 34 (21-30)

(5) Where a notice of appeal is filed under subsection (4), the provisions of subsections 34 (21) to (30) apply with necessary modifications.

When prior
zoning by-law
again has
effect

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law.

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

Application of
s. 34 (9)

(8) The provisions of subsection 34 (9) apply with necessary modifications to a by-law passed under subsection (1) or (2).

Temporary
use
provisions

38.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.

Area and
time in
effect

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and prescribe the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.

(3) Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized. Extension

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized. Non-application of s. 34 (9) (a)

39.—(1) Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities. Agreement exempting owner from requirement to provide parking

(2) An agreement entered into under subsection (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated. Payment of money

(3) All moneys received by a municipality under an agreement entered into under this section shall be paid into a special account, and the moneys in such special account shall be applied for the same purposes as a reserve fund established under paragraph 55 of section 208 of the *Municipal Act* may be applied, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor of the municipality in his annual report shall report on the activities and position of the account. Special account
R.S.O. 1980, cc. 302, 512

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies, and when so registered, any moneys payable to the municipality under the agreement that have become due for payment shall be deemed to be taxes due upon the land under section 369 of the *Municipal Act* and may be collected in the same manner as municipal taxes. Registration of agreement

(5) When all moneys payable to the municipality under an agreement registered under subsection (4) have been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registerable in the proper land registry office, certifying that the moneys have been paid or that the agreement has been terminated. Certificate

Interpre-
tation

40.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in clause 45 (1) (a) of this Act.

R.S.O. 1980,
c. 302

Establishment
of site
plan control
area

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law designate the whole or any part of such area as a site plan control area.

Designation
of site
plan control
area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34.

Approval
of plans or
drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Municipal Board has approved one or both, as the council may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a).
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,
 - (a) the massing and conceptual design of the proposed building;
 - (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - (c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,


but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause (c), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required. Drawings for residential buildings

(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land. Proviso

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to, Conditions to approval of plans

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land. 
2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs. R.S.O. 1980, c. 421
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
5. Facilities for the lighting, including floodlighting, of the land or of any building structures thereon.
6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.

7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
 9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4).

Widenings,
etc., of
county,
regional, etc.,
highways

(8) Where an area designated under subsection (2) is within a county or a regional, metropolitan or district municipality, plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the county or regional, metropolitan or district municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the county or regional, metropolitan or district municipality any or all of the following:
1. Subject to the provisions of subsection (9), widenings of highways that are under the jurisdiction of the county or regional, metropolitan or district municipality and that abut on the land.
 2. Subject to the *Public Transportation and Highway Improvement Act*, where the land abuts a

highway under the jurisdiction of the county or regional, metropolitan or district municipality, facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs.

3. Where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, offstreet vehicular loading and parking facilities, either covered or uncovered, access driveways including driveways for emergency vehicles, and the surfacing of such areas and driveways;

- (b) enter into one or more agreements with the county or regional, metropolitan or district municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas.

(9) An owner may not be required to provide a highway widening under paragraph 1 of clause (7) (a) or under paragraph 1 of clause (8) (a) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described.

Widening must be described in official plan

(10) Any agreement entered into under clause (7) (c) or under clause (8) (b) may be registered against the land to which it applies and the municipality or the county or regional, metropolitan or district municipality, as the case may be, is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration of agreements


R.S.O. 1980, cc. 445, 230

(11) Section 325 of the *Municipal Act* applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c).

Application of R.S.O. 1980, c. 302, s. 325

(12) Where the municipality fails to approve the plans or drawings referred to in subsection (4) within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection (7) or by the county or regional, metropolitan or district municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the

Appeal to O.M.B.

Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or to the clerk of the county or regional, metropolitan or district municipality in the case of a requirement made by a county or regional, metropolitan or district municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final. 

Classes of
development,
delegation

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and
- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a).

Proviso

(14) Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day.

Certain
agreements
declared
valid and
binding
R.S.O. 1970,
c. 349

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of *The Planning Act* as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding.

Conveyance
of land
for park
purposes

41.—(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.

Interpre-
tation

(2) For the purposes of subsection (3), "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.

Alternative
requirement

(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land

proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.

(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement. Official plan requirement

(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time. Use and sale of land

(6) The council of a municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of such conveyance and for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first permit, and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land. Cash payment in lieu of conveyance
R.S.O. 1980, c. 148

(7) The provisions of subsection 50 (12) apply with necessary modifications to all moneys received under subsection (5) or (6). Application of s. 50 (12)

(8) Where land has been conveyed to a municipality for park or other public purposes or a payment of money in lieu of such conveyance has been received by the municipality pursuant to a condition imposed under this section or under section 50 or section 52 or under a predecessor of any of such sections, the conveyance or payment, as the case may be, shall be included in determining the amount of land or payment of money in lieu thereof that may subsequently be required under this section on the development, further development or redevelopment of the lands or part thereof in respect of which the original conveyance or payment was received. Where account taken of previous conveyances or payments

(9) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money in lieu thereof that may subsequently be required, as mentioned in subsection (8), either party may apply to the Municipal Board and the Board shall make a final determination in the matter. Application to O.M.B.

Application of
s. 34 (12-31)

42.—(1) Subsections 34 (12) to (31) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

- (a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or
- (b) does not vary by more than 5 per cent any measurement so expressed.

Effect of
amendment
that conforms
with subs. (1)

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 46 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1).

Establishment
of committee
of adjustment

43.—(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.

Copy of
by-law to
Minister

(2) Where a by-law is passed under subsection (1), a certified copy of the by-law shall be sent to the Minister by registered mail by the clerk of the municipality within thirty days of the passing thereof.

Term of
office

(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually.

Idem

(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Quorum

(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

Vacancy not
to impair
powers

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members.

(7) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as acting chairman. Chairman

(8) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the moneys appropriated for the purpose. Secretary-treasurer, employees

(9) The members of the committee shall be paid such compensation as the council may provide. Remuneration

(10) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents. Filing of documents, etc.
R.S.O. 1980, c. 302

(11) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed. Rules of procedure

44.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 37, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. Powers of committee; general

(2) In addition to its powers under subsection (1), the committee, upon any such application, special

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, provided that the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

Power of
committee to
grant minor
variances

(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered the provisions of subsection (1) apply with necessary modifications.

Time for
hearing

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

Notice of
hearing

(5) The committee, before hearing an application, shall in the manner and to the persons and agencies and containing the information prescribed give notice of the application.

Hearing

(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

Oaths

(7) The chairman, or in his absence the acting chairman, may administer oaths.

Decision

(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

Conditions
in decision

(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and

subject to such terms and conditions as the committee considers advisable and as are set out in the decision.

(10) The secretary-treasurer shall not later than ten days from the making of the decision send by mail one copy of the decision, certified by him, Notice of decision

(a) to the Minister, if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;

(b) to the applicant; and

(c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

(11) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he shall also send to the Minister such other information and material as may be prescribed. Additional material

(12) The applicant, the Minister or any other person who has an interest in the matter may within thirty days of the making of the decision appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under the *Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board. Appeal to O.M.B.
R.S.O. 1980,
c. 347

(13) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board. Idem

(14) If within such thirty days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. Where no appeal

(15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the committee is final and binding and the secretary of the Board Where appeals withdrawn

shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.

Hearing

(16) On an appeal to the Municipal Board, the Board shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.

Dismissal
of appeal
by O.M.B.

(17) The Municipal Board may, where it is of the opinion that the objection to the decision set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing, but before so dismissing the appeal, shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers
of O.M.B.

(18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application.

Notice of
decision

(19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

Idem

(20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.

Interpre-
tation

45.—(1) In this section,

(a) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;

(b) “parcel of land” means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 49 (3) (b) or clause 49 (5) (a).

One mobile
home per
parcel of land
R.S.O. 1980,
c. 413

(2) Unless otherwise authorized by a by-law in force under section 34 or an order of the Minister made under clause 46 (1) (a), or a permit issued under section 13 of the *Public Lands Act*, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land as defined in clause (1) (b) of this section, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land.

Saving

(3) This section does not apply to prevent the continued use in the same location of any mobile home that,

- (a) was erected or located and in use prior to the 1st day of June, 1977; or
- (b) was erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.

46.—(1) The Minister may by order,

Power of
Minister re
zoning and
subdivision
control

- (a) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, but subsections (12) to (31) of that section do not apply to the exercise of such powers; and
- (b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 49 (4).

(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 44 (1) and (2) in respect of a by-law passed under section 34, but the provisions of subsections 44 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers.

Power of
Minister to
allow minor
variances

(3) In the event of a conflict between an order made under clause (1) (a) and a by-law that is in effect under section 34 or 37, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

Order prevails
over by-law
in event
of conflict

(4) Where the Minister so provides in the order, an order made under clause (1) (a) in respect of land situate in a municipality the council of which has the powers conferred by section 34 shall be deemed for all purposes except the purposes of section 24 to be a by-law passed by the council of the municipality in which the land is situate and to be in force in the municipality.

Where order
deemed
by-law of
municipality

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as he considers proper and shall set out in the notice the provisions of subsections (8), (9) and (10).

Notice

(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),

Idem

- (a) where the land affected is situate in a local municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more local municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 78 (2) of the *Municipal Act* apply with necessary modifications; and

R.S.O. 1980,
c. 302

- (b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

Registration

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (b) to be registered in the proper land registry office.

Revocation
or
amendment

(8) The Minister may, on his own initiative or at the request of any person, by order, amend or revoke in whole or in part any order made under subsection (1).

Notice

(9) Except as provided in subsection (10), the Minister before amending or revoking in whole or in part an order made under subsection (1) shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

Hearing
by O.M.B.

(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

Refusal of
request by
Minister

(11) Despite subsection (10), where the Minister is of the opinion that a request of any person made under subsection (10) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, he may refuse the request.

Notice of
hearing

(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Decision of
O.M.B.

(13) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall, except as provided in subsection (16), give effect to the decision of the Board.

Notification
of decision

(14) A copy of the decision of the Municipal Board shall be sent to each person who appeared at the hearing and made representation and to any person who in writing requests a copy of the decision.

Where
provincial
interest
adversely
affected

(15) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the requested revocation or amendment, he

may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the application.

(16) Where the Municipal Board has received notice from the Minister under subsection (15) and has made a decision on the requested revocation or amendment the Minister shall not give effect to the decision under subsection (13) unless the Lieutenant Governor in Council has confirmed the decision. Decision where provincial interest

(17) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board where notice of a matter of provincial interest was given under subsection (15) and in doing so may direct the Minister to amend or revoke the order in whole or in part. Disposition by L.G. in C.

(18) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under subsection 49 (4). Effect of land use order

47. Despite the provisions of any other general or special Act, a licence, permit, approval or permission shall not be issued or granted nor any utility or service provided by a public utilities commission or other public or Crown agency in respect of any land, building or structure where the proposed use of the land or the erection or proposed use of the building or structure would be in contravention of section 45 or of an order made under section 46. Where licence, etc., not to issue

48.—(1) In this section, “officer” means an officer who has been assigned the responsibility of enforcing section 45, orders of the Minister made under clause 46 (1) (a) or zoning by-laws passed under section 34. Interpretation

(2) Subject to subsection (3), where an officer believes on reasonable grounds that section 45, an order of the Minister made under clause 46 (1) (a) or a by-law passed under section 34 or 37 is being contravened, the officer or any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes the contravention is occurring. Entry and inspection

(3) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant. Where warrant under R.S.O. 1980, c. 400, s. 142, required

PART VI

SUBDIVISION OF LAND

49.—(1) In this section and in section 52 “consent” means, Interpretation

- (a) where the land is situate within a regional municipality or is situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford, a consent given by the regional council, the Metropolitan Council, the District Council or the County Council, as the case may be;
- (b) where the land is situate within a town, village or township that forms part of a county for municipal purposes, a consent given by the council of the county;
- (c) where the land is situate within a local municipality that is within a county, but that does not form part of the county for municipal purposes other than land situate within the Township of Pelee, in the County of Essex, a consent given by the council of the local municipality;
- (d) where the land is situate within a city that is within a territorial district, other than a city within a regional or district municipality, a consent given by the council of the city; or
- (e) where the land is situate in a territorial district but is not within a regional or district municipality or is not within a city, or where land is situate in the Township of Pelee, in the County of Essex, a consent given by the Minister,

and a reference herein and in section 52 to the Minister or to a council, as the case may be, includes a delegate thereof as provided for in sections 4, 5 and 53.

Proviso

(2) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

Subdivision
control

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement

of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;

(c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;

(d) the land or any use of or right therein is being acquired for the purpose of a transmission line as defined in the *Ontario Energy Board Act* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

R.S.O. 1980,
c. 332

(e) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose; or

R.S.O. 1980,
c. 85

(f) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3).

Designation
of plans of
subdivision
not deemed
registered

(5) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed, or transfer, or grant, assign or exercise a power of

Part-lot
control

appointment in respect of a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;
- (c) the land or any use of or right therein is being acquired for the purpose of a transmission line or utility line, both as defined in the *Ontario Energy Board Act*, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;
- (d) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose;
- (e) the land that is being conveyed, or otherwise dealt with is the remaining part of a lot or block, the other part of which was acquired by a body that has vested in it the right to acquire land by expropriation; or

R.S.O. 1980,
c. 332

R.S.O. 1980,
c. 85

- (f) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.



(6) Despite subsections (3) and (5), where land is the remaining part of a parcel of land, the other part or parts of which parcel have been the subject of a consent given under clause (3) (f) or (5) (f), the whole of the remaining part may be conveyed or otherwise dealt with before the other part or parts are conveyed or otherwise dealt with, provided that the remaining part is conveyed or otherwise dealt with before the consent mentioned above lapses under subsection 52 (22).

Conveyance of remaining part



(7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, but the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection (24) have been complied with, subsection (5) thereupon applies to the lands affected by the repeal or amendment.

Designation of lands not subject to part-lot control

(8) Nothing in subsections (3) and (5) prohibits, and subsections (3) and (5) shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance.

Exception

(9) Nothing in subsections (3) and (5) prohibits the entering into of an agreement that has the effect of granting the use of or right in a part of a building or structure for any period of years.

Part of building or structure

(10) This section does not apply to an agreement entered into under section 2 of the *Drainage Act*.

Agreement under R.S.O. 1980, c. 126, s. 2

(11) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer.

Application to ARDA

(12) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 52, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land

Exception to subss. (3, 5)

unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction.

Reference
to
stipulation

(13) Where the council or the Minister stipulates in accordance with subsection (12), the certificate provided for under subsection 52 (21) shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been given without the stipulation.

Effect of
contravention
of s. 49, etc.,
before plan
registered, etc.
R.S.O. 1980,
c. 84

(14) Where land is within a registered plan of subdivision or within a registered description under the *Condominium Act* or where land is conveyed with a consent given under section 52 or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in the land, but this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the 15th day of December, 1978.

Simultaneous
conveyances,
etc., of
abutting
lands

(15) Where a person conveys land or grants, assigns or exercises a power of appointment in respect of land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections (3) and (5) to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land that is being conveyed or otherwise dealt with but this subsection does not apply to simultaneous conveyances or other simultaneous dealings involving the same parties acting in their same respective capacities.

Partial
discharges,
etc.,
effect of

(16) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes

of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

(17) Subsection (16) does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation, Saving

- (a) is the same land in respect of which a consent to convey has previously been given;
- (b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection (4); or
- (c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario, Ontario Hydro or by any municipality.

(18) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be, but this subsection does not apply where the land foreclosed or in respect of which the power of sale is exercised comprises only, Foreclosure or exercise of power of sale, when approval of Minister required

- (a) the whole of one or more lots or blocks within one or more registered plans of subdivision; or
- (b) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge.

(19) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections (3) and (5), to convey such land by way of deed or transfer and to retain the fee in the abutting land. Release of interest by joint tenant or tenant in common

(20) No order made under the *Partition Act* for the partition of land shall have any effect in law unless, Order made under R.S.O. 1980, c. 369

- (a) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or
- (b) a consent is given to the order.

Conveyance,
etc., contrary
to section not
to create or
convey
interest in
land

(21) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Copy of
by-law to be
lodged with
Minister

(22) A certified copy or duplicate of every by-law passed under subsection (4) shall be lodged by the clerk of the municipality in the office of the Minister.

When by-law
effective

(23) A by-law passed under subsection (4) is not effective until the requirements of subsection (24) have been complied with.

Registration
of by-law

(24) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper land registry office.

Notice

(25) No notice or hearing is required prior to the passing of a by-law under subsection (4), but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Hearing
by council

(26) The council shall hear in person or by his agent any person to whom a notice was sent under subsection (25), who within twenty days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law.

Application
for approval
of subdivision
plan

50.—(1) An owner of land or his agent duly authorized in writing may apply to the Minister for approval of a plan of subdivision of his land or part thereof.

What
draft plan
to indicate

(2) An applicant under subsection (1) shall provide as many copies as may be required by the Minister of a draft plan of the proposed subdivision drawn to scale and showing,

- (a) the boundaries of the land to be subdivided, certified by an Ontario land surveyor;
- (b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision adjacent

to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;

- (d) the purpose for which the lots are to be used;
- (e) the existing uses of all adjoining lands;
- (f) the approximate dimensions and layout of the proposed lots;
- (g) natural and artificial features such as buildings or other structures or installations, railways, highways, water-courses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

(3) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the proposed subdivision. Minister
may confer

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following, What matters
to be regarded

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan generally conforms to the official plan and adjacent plans of subdivision, if any;

- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;
- (f) the dimensions and shape of the lots;
- (g) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

Dedication
of land for
park and
highway
purposes

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are reasonable, having regard to the nature of the development proposed for the subdivision and, in particular, but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

- (a) that land to an amount to be determined by the Minister but not exceeding in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes;
- (b) that such highways shall be dedicated as the Minister considers necessary;
- (c) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and
- (d) that the owner of the land enter into one or more agreements with a municipality, or where the land is

not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Subdivision
agreements

R.S.O. 1980,
cc. 445, 230

(7) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality and where the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality.

Alternative
requirement

(8) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting such conveyance, require the payment of money by the owner of the land,

Cash payment
in lieu of
conveyance

(a) to the value of the land otherwise required to be conveyed; or

(b) where the municipality would be entitled to require a conveyance under subsection (7), to the value of the land that would otherwise be required to be so conveyed.

(9) For the purpose of determining the amount of any payment required under subsection (8), the value of the land shall be determined as of the day before the day of the draft approval of the plan and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Valuation of
land

R.S.O. 1980,
c. 148

(10) Land conveyed to a municipality pursuant to a condition imposed under subsection (5) shall be used for park or other public recreational purposes but may be sold at any time.

Use and
sale of land

Fund for
acquisition of
park lands

(11) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (12) the sum so included in the estimates, and any person may pay any sum into the same fund.

Special
account

(12) All moneys received by the municipality under subsections (8) and (11) and all moneys received on the sale of land under subsection (10), less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1980,
c. 512

Giving or
refusing of
approval by
Minister

(13) The Minister may, subject to subsections (14) and (15), give or refuse to give his approval to a draft plan of subdivision.

Reasons for
refusal

(14) Where the Minister proposes to refuse to give his approval to a draft plan of subdivision, the Minister shall send notice to the applicant together with written reasons as to why he proposes to refuse his approval and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the draft plan to the Municipal Board, the approval of the Minister shall be deemed to have been refused.

Referral of
plan to, O.M.B.

(15) At any time before the Minister has given or has refused to give his approval to a draft plan of subdivision, the Minister may, and upon application therefor shall, refer the draft plan of subdivision to the Municipal Board unless, in his opinion, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay and where the draft plan is referred to the Board the Board shall hear and determine the matter.

Reasons

(16) Where an application is made under subsection (15), the application shall be accompanied by written reasons in support thereof.

Reference of
conditions

(17) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or

any of the conditions, imposed or to be imposed, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it.

(18) The Minister may, in his discretion, withdraw his approval to a draft plan of subdivision or change the conditions of such approval at any time prior to his approval of a final plan for registration.

Withdrawal of approval

(19) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with the *Surveys Act* and the *Registry Act* or the *Surveys Act* and the *Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

When draft plan approved

R.S.O. 1980, cc. 493, 445, 230

(20) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Approval of plan by Minister

(21) When a final plan for registration is approved under subsection (20) and is not registered within thirty days of the date of approval, the Minister may withdraw his approval.

Withdrawal of approval of plan for registration

(22) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the land registrar a duplicate, or when required by the Minister two duplicates, of the plan of a type approved by the Minister, and the land registrar shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Duplicates to be deposited and sent to Minister
R.S.O. 1980, cc. 445, 230

(23) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act.

Saving



51.—(1) No person shall subdivide and offer for sale, agree to sell or sell land by a description in accordance with an unregistered plan of subdivision, but this subsection does not prohibit any person from offering for sale or agreeing to sell land by a description in accordance with a plan of subdivision in respect of which draft approval has been given under section 50.

Sale of lands in accordance with unregistered plan prohibited



Interpretation (2) In subsection (1), “unregistered plan of subdivision” does not include a reference plan of survey under section 149 of the *Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of the *Registry Act* in accordance with the regulations under that Act.

R.S.O. 1980,
cc. 230, 445

Consent **52.**—(1) An owner of land or his agent duly authorized in writing may apply for a consent as defined in subsection 49 (1) and the council or the Minister, as the case may be, may, subject to subsections (2) to (22) of this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Rules to be complied with and matters to be regarded (2) A council in dealing with applications for consent shall comply with such rules of procedure as are prescribed and a council or the Minister, as the case may be, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 50 (4) and has the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsection 50 (5), and subsections 50 (6), (7), (8), (9), (10) and (12) apply with necessary modifications.

Conveyance of land for park purposes (3) Where, on the giving of a consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the giving of the consent.

Conferring with agencies, etc. (4) A council, in determining whether a consent is to be given, shall confer with such agencies or persons as are prescribed.

Notice of decision (5) Where a decision is made by a council to give a consent, written notice of the decision, setting out the conditions, if any, imposed to the giving of the consent, shall be sent, not later than ten days from the making of the decision, to the applicant, to every agency or person conferred with under subsection (4) that in writing requested to be given notice of the decision, to any other person who in writing requested to be given notice of the decision and to the Minister, if the Minister has notified the council by registered mail that he wishes to receive a copy of all decisions made to give a consent.

Idem (6) Where a decision is made by a council to refuse to give a consent, written notice of the decision shall be sent not later than ten days from the making of the decision to the applicant and to the agencies and persons mentioned in subsection (5), other than the Minister, together with written reasons for the decision.

(7) The applicant, the Minister and every agency or other person to whom notice of the decision was sent may within thirty days of the making of the decision appeal to the Municipal Board against the decision by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal setting out written reasons in support of the appeal and accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

Appeal to
O.M.B.

R.S.O. 1980,
c. 347

(8) Where the applicant, the Minister or any agency or other person to whom notice of the decision was sent, is not satisfied as to the conditions or any of the conditions imposed by a council, he or it may within thirty days of the making of the decision appeal in respect of the conditions or any of the conditions by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal specifying the condition or conditions appealed and setting out written reasons in support of the appeal, accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

Idem

(9) The clerk of the municipality upon receipt of a notice of appeal filed under subsection (7) or (8) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (7) or (8) to the Municipal Board by registered mail together with all papers and documents filed with the council relating to the matter appealed from and such other documents and papers as may be required by the Board.

Idem

(10) The Minister in determining whether a consent is to be given shall confer with such officials, authorities, corporations, bodies or persons as the Minister considers may have an interest in the application and thereafter may, subject to subsections (11) to (19), give, or refuse to give, the consent.

Minister
may confer
with officials,
etc.

(11) Where the Minister proposes to impose conditions to the giving of a consent, the Minister shall give written notice to the applicant specifying the conditions, and the Minister may change the conditions at any time prior to the giving of the consent.

Conditions

(12) Where the Minister proposes to refuse to give a consent, the Minister shall send notice to the applicant together with written reasons as to why it is proposed to refuse to give the consent and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the application for consent to the Municipal Board, the consent shall be deemed to have been refused.

Reasons
for refusal
to give
consent

(13) At any time before written notice is given to an applicant under subsection (11) specifying conditions, the Minister may, and upon application therefor accompanied by written reasons in support thereof shall, refer the application for consent to the

Referral
to O.M.B.

Municipal Board unless, in the opinion of the Minister, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay, but in no event may an application for consent be referred to the Board after the Minister has given or refused to give the consent.

Idem

(14) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions imposed or to be imposed by the Minister, he or it, at any time before the consent is given, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister.

Hearing
by O.M.B.

(15) On an appeal to the Municipal Board under subsection (7) or where an application for a consent is referred to the Board under subsection (13) or where conditions are appealed or referred to the Board under subsection (8) or (14), the Board shall hold a hearing of which notice shall be given to such agencies or persons and in such manner as the Board may determine.

Dismissal
of appeal
without
hearing

(16) Despite subsection (15), the Municipal Board may, where it is of the opinion that the reasons in support of an appeal under subsection (7) or (8) are insufficient, dismiss the appeal without holding a full hearing, but before so dismissing the appeal, shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers
of O.M.B.

(17) Following the hearing on an appeal under subsection (7) or a referral under subsection (13), the Municipal Board may make any decision that the council or the Minister, as the case may be, could have made on the original application and on a referral of conditions under subsection (8) or (14) the Board shall determine the question as to the condition or conditions referred to it.

Where consent
to be given

(18) Where under subsection (17) the decision of the Municipal Board is that a consent be given, the council or the Minister, as the case may be, shall thereupon give the consent, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Where consent
to be given

(19) Where the decision of the council or the Minister on an application is to give a consent and there has been no appeal under subsection (7) or (8) and no referral under subsection (13) or (14), the consent shall be given, except that where conditions

have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

(20) Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice mentioned in subsection (5) or (11), as the case may be, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused.

Where conditions not fulfilled

(21) When a consent has been given under this section, the clerk of the municipality, the council of which gave the consent or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent but, where the authority to give consents has been delegated under section 53 to a land division committee or to a committee of adjustment, the certificate shall be given by the secretary-treasurer of the appropriate committee.

Certificate that consent given

(22) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (21) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister, as the case may be, in giving the consent may provide for an earlier lapsing of the consent.

When consent lapses

(23) Where a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents any reference in this section to "the clerk of the municipality" shall be deemed to be a reference to the secretary-treasurer of such land division committee or committee of adjustment.

Reference to clerk deemed reference to secretary-treasurer

53.—(1) The council of a county or of a regional, metropolitan or district municipality, with the approval of the Minister, may, by by-law, delegate to the council of a constituent local or area municipality, as the case may be, the authority for the giving of consents under section 52 in respect of land situate in the local or area municipality.

Delegation of authority to give consents to constituent municipality

(2) Where authority is delegated to a council under subsection (1), such council may, in turn, by by-law, delegate the authority or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Further delegation

Withdrawal
of delegated
powers

(3) The Minister may, at any time, revoke the approval given under subsection (1) by giving written notice thereof to the clerk of the council that passed the delegating by-law and to the clerk of the council that received the delegated authority and when such notice is given the delegation is thereupon terminated except that all applications for consent made prior to the giving of the notice shall continue to be dealt with as if the delegation had not been terminated.

Delegation to
committee of
council, etc.

(4) Except as delegated under subsection (1), the authority or any part of such authority of a council of a county or of a council of a regional, metropolitan or district municipality may be delegated by the council to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a land division committee.

Idem

(5) The council of a city that is not situate within a regional municipality or that is not situate within the Municipality of Metropolitan Toronto, the District Municipality of Muskoka or the County of Oxford and the council of any other local municipality that is within a county but that does not form part of the county for municipal purposes may, by by-law, delegate the authority of the council under section 52 or any part of such authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Committee of
adjustment

(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, the provisions of subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications and the provisions of subsections 44 (4) to (20) do not apply, in the exercise of that authority.

Conditions,
withdrawal

(7) A delegation of authority made by a council under this section may be subject to such conditions as the council by by-law provides and the council may by by-law withdraw the delegation of authority provided however, where authority delegated under subsection (1) is withdrawn, all applications for consent made prior to the withdrawal shall continue to be dealt with as if the delegation had not been withdrawn.

District land
division
committee,
delegation

54.—(1) The Minister by order may constitute and appoint one or more district land division committees composed of such persons as he considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 52 in respect of such lands situate in a territorial district as are defined in the order.

Conditions
and
withdrawal
of delegation

(2) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

(3) Where the Minister has delegated his authority to a district land division committee under subsection (1), the provisions of subsections 43 (5), (6), (7) (8), (10) and (11) apply with necessary modifications.

Application
of s. 43

(4) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 50 (6) apply with necessary modifications to any such agreement.

Agreements

(5) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Remuner-
ation

(6) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

Application
of fees

55.—(1) The council of a county or of a regional, metropolitan or district municipality may by by-law constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Land
division
committee

(2) The provisions of subsections 43 (2) to (11) apply, with necessary modifications, where a land division committee is constituted under subsection (1) of this section.

Application
of s. 43 (2-11)

56.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is made by the Minister.

Effect of
contravention
of
R.S.O. 1970,
c. 349, s. 29,
etc., on
conveyances
made prior
to March
19th, 1973

(2) No order shall be made by the Minister under subsection (1) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

Proviso

(3) A council may, as a condition to the passage of a by-law under subsection (2), impose such conditions in respect of any land described in the by-law as it considers appropriate.

Conditions

Proviso

(4) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 52.

PART VII

GENERAL

Application of
R.S.O. 1980,
c. 302,
to acquisition
of land

57. The provisions of the *Municipal Act* apply to the acquisition of land under this Act.

Power to
clear, grade,
etc., lands
acquired

58. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Exchange
of lands

59. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Fair
hearing

60. Where, in passing a by-law under this Act, a council is required by this Act, by the provisions of an official plan or otherwise by law, to afford any person an opportunity to make representation in respect of the subject-matter of the by-law, the council shall afford such person a fair opportunity to make representation but throughout the course of passing the by-law the council shall be deemed to be performing a legislative and not a judicial function.

Application of
Act to
Ontario Hydro

61.—(1) Except as provided in sections 3, 6 and 47 and subsection (2) of this section, this Act does not affect Ontario Hydro.

Idem

(2) Land and buildings owned by Ontario Hydro and used for executive, administrative or retail purposes or held under lease or licence from Ontario Hydro and, unless approved under the *Environmental Assessment Act*, any other undertaking of Ontario Hydro, are subject to this Act.

R.S.O. 1980,
c. 140

Effect of
approval or
consent of
O.M.B.

62.—(1) Where a matter is referred to the Municipal Board under this Act, the approval or consent of the Board has the same force and effect as if it were the approval or consent of the Minister or the council of a municipality.

Deemed
compliance
with Act

(2) Where an approval or consent is given under this Act, the provisions of this Act leading to such approval or consent shall be deemed to have been complied with.

Non-
application of
R.S.O. 1980,
c. 347, s. 94

63. Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of

any order or decision of the Municipal Board made in respect of any matter referred or appealed to the Board under this Act.

64. When under this Act the Minister has referred a matter to the Municipal Board, the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, but where a matter has been referred to the Board pursuant to the request of any person, the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

Resumption
by Minister
of matters
referred to
O.M.B.

65. Where the Minister or the council of a municipality delegates under this Act the authority to give an approval or consent, an approval or consent given under the authority has the same force and effect as if it were the approval or consent of the Minister or the council as the case may be.

Effect of
approval or
consent under
delegated
authority

66.—(1) Every person who contravenes section 40, 45 or 51 or who contravenes a by-law passed under section 34 or 37 or an order made under section 46 is guilty of an offence and on conviction is liable,

Penalty

- (a) on a first conviction to a fine of not more than \$20,000; and
- (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,

Corporation

- (a) on a first conviction a fine of not more than \$50,000; and
- (b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted,

and not as provided in subsection (1).

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibit-

Order of
prohibition

ing the continuation or repetition of the offence by the person convicted.

Saving
R.S.O. 1980,
c. 31, s. 57

67.—(1) Despite section 57 of the *Assessment Act*, it is not an offence to disclose the information referred to therein to any employee of a municipality who declares that such information is required in the course of his planning duties.

Offence

(2) An employee of a municipality who wilfully discloses or permits to be disclosed the information referred to in subsection (1) to any other person not likewise entitled in the course of his duties to acquire or have access to the information is guilty of an offence and on conviction is liable to a fine of not more than \$2,000, or to imprisonment for a term of not more than six months, or to both.

Exception

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration.

Tariff of
fees

68.—(1) The council of a municipality may by by-law prescribe a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality in respect of the processing of each type of application provided for in the tariff.

Reduction
or waiver
of fees

(2) Notwithstanding that a tariff of fees is prescribed under subsection (1) the council of a municipality, a committee of adjustment or a land division committee in processing an application may reduce the amount of, or waive the requirement for the payment of a fee in respect of the application where the council or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.


Payment
under protest:
appeal to
O.M.B.

(3) Any person who is required to pay a fee for the processing of an application in respect of a planning matter may pay the amount of the fee under protest and thereafter appeal to the Municipal Board against the levying of the fee or the amount of the fee by giving written notice of appeal to the Municipal Board within thirty days of payment of the fee.

Hearing

(4) The Municipal Board shall hear an appeal made under subsection (3) and shall dismiss the appeal or direct that a refund payment be made to the appellant in such amount as the Board determines.

Regulations

 **69.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing for the purposes of subsection 17 (2), 28 (4) or 34 (12), the persons that are to be given notice and the manner in which notice is to be given;
- (b) prescribing for the purposes of subsection 34 (17), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (c) prescribing for the purposes of subsection 35 (4), 37 (3) or 44 (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;
- (d) providing for the charging of a fee on any application made in respect of a planning matter to a planning board that has had authority delegated to it by the Minister;
- (e) prescribing for the purposes of subsection 43 (11), rules of procedure for committees of adjustment;
- (f) prescribing for the purposes of subsection 52 (2), rules of procedure for councils and delegates thereof;
- (g) prescribing rules of procedure for district land division committees constituted under section 54;
- (h) prescribing agencies or persons for the purposes of subsection 52 (4); and
- (i) prescribing for the purposes of subsection 44 (11), the additional information and material required to be sent to the Minister.

70. In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail. Conflict

71.—(1) Except as provided in subsection (2), every official plan that is in effect immediately before the day this Act comes into force shall remain in effect but may be amended or repealed in accordance with this Act. Official plans remain in effect

(2) Unless continued in force by an order made by the Minister under subsection (3), every official plan of a joint planning area, other than an official plan that was adopted by the council of a county and other than an official plan of a joint planning area in a territorial district, that is in effect immediately before the day this Act comes into force shall be deemed to be repealed two years from that day, if not sooner repealed. Repeal of joint official plans

Continuation
of joint
official
plans

(3) The Minister may by order provide for the remaining in force of any joint official plan or part or parts thereof that would otherwise be deemed to be repealed under subsection (2) and in such order may make such provision for the effectual continuation of such plan or the part or parts thereof as he considers necessary, including provision for the allocation of the plan or part or parts thereof to any local municipality or county situate wholly or partly within the area to which the plan applies.

Amendment
or repeal

(4) At any time during the two year period mentioned in subsection (2), the Minister may approve any amendment or repeal of an official plan of a joint planning area that may be proposed by the council of any municipality affected by the official plan.

Planning
areas and
boards
dissolved

72.—(1) Except as provided in subsection (3), on the day this Act comes into force all planning areas including joint planning areas and subsidiary planning areas, together with the planning boards thereof are dissolved.

Assets and
liabilities

(2) All the assets and liabilities of a planning board dissolved by this section are, in the case of a planning board of a planning area consisting of part or all of one municipality, assets and liabilities of such municipality and in the case of a planning board of a joint planning area, assets and liabilities of the municipalities that form part of the joint planning area and if such municipalities cannot agree as to the disposition of the assets and liabilities, the Municipal Board, upon the application of one or more of the municipalities, shall direct a final disposition thereof.

Planning
areas that
are continued

(3) Each planning area that immediately before the day this Act comes into force consists of the whole of two or more municipalities that are situate in a territorial district or consists of the whole of one or more municipalities and territory without municipal organization or consists solely of territory without municipal organization shall continue as a planning area under this Act without any change in name until altered or dissolved by the Minister.

Planning
boards
that are
continued

(4) Each planning board of a planning area mentioned in subsection (3) shall continue as a planning board under this Act without any change in name or constitution until the planning area is dissolved or the name or constitution of the planning board is changed by the Minister.

Members of
planning
boards
that remain
in office

(5) Persons who immediately before the day this Act comes into force are members of a planning board mentioned in subsection (4) shall remain in office until the expiry of the term of the council that appointed them and until their successors have been appointed under this Act.



73.—(1) The *Planning Act*, except section 40, being chapter 379 of the Revised Statutes of Ontario, 1980, is repealed. Repeal

(2) Section 40 of the said Act is repealed.



Idem

74.—(1) In this section, “former Act” means the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980. Interpretation

(2) Despite section 73, any matter or proceeding mentioned in subsection (3) that has been commenced under the former Act before the day this Act comes into force shall be continued and finally disposed of under the former Act. Matters, etc., continued under R.S.O. 1980, c. 379

(3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced, in the case of, When matters, etc., deemed commenced

- (a) an official plan or an amendment thereto or a repeal thereof, on the day the by-law adopting the plan or adopting or proposing the amendment or repeal of the plan is passed;
- (b) a request under subsection 17 (3) of the former Act, on the day the request is made;
- (c) redevelopment under section 22 of the former Act, on the day the by-law designating the redevelopment area is passed;
- (d) subdivision of land under section 36 of the former Act, on the day the application is made under subsection (1) of that section;
- (e) a zoning by-law or an amendment thereto, on the day the by-law is passed;
- (f) an application under subsection 39 (23) of the former Act, on the day the application is made;
- (g) development in a site plan control area, on the day the application is made under subsection 40 (4) of the former Act;
- (h) an application made to a committee of adjustment, a land division committee or planning board for a planning area in a territorial district, on the day the application is made; and
- (i) an application to the Minister for a consent under section 29 of the former Act, on the day the application is made.

Commence-
ment

75. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

76. The short title of this Act is the *Planning Act, 1982*.

An Act to revise the Planning Act

1st Reading

March 9th, 1982

2nd Reading

March 9th, 1982

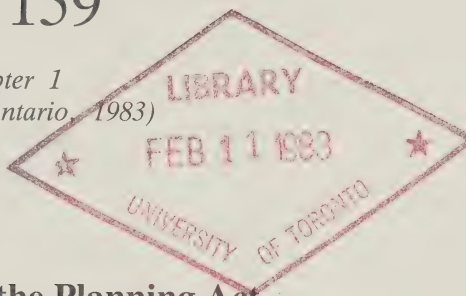
3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs
and Housing

*(Reprinted as amended by the General
Government Committee)*

Bill 159

(Chapter 1
Statutes of Ontario, 1983)



An Act to revise the Planning Act

The Hon. C. Bennett

Minister of Municipal Affairs and Housing

<i>1st Reading</i>	March 9th, 1982
<i>2nd Reading</i>	March 9th, 1982
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill 159

1982

An Act to revise the Planning Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “committee of adjustment” means a committee of adjustment constituted under section 43;
- (b) “land division committee” means a land division committee constituted under section 55;
- (c) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (d) “local municipality” means a city, town, village and township;
- (e) “Minister” means the Minister of Municipal Affairs and Housing;
- (f) “Municipal Board” means the Ontario Municipal Board;
- (g) “municipality” means a local municipality, a county and a regional, metropolitan or district municipality;
- (h) “official plan” means a document approved by the Minister, containing objectives and policies established primarily to provide guidance for the physical development of a municipality or a part thereof or an

area that is without municipal organization, while having regard to relevant social, economic and environmental matters;

- (i) “prescribed” means prescribed by the regulations;
- (j) “public work” means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board;
- (k) “regulations” means regulations made under this Act.

PART I

PROVINCIAL ADMINISTRATION

Responsi-
bility of
Minister

2. The Minister, in carrying out his responsibilities under this Act, will have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of the natural environment, including the agricultural resource base of the Province, and the management of natural resources;
- (b) the protection of features of significant natural, architectural, historical or archaeological interest;
- (c) the supply, efficient use and conservation of energy;
- (d) the provision of major communication, servicing and transportation facilities;
- (e) the equitable distribution of educational, health and other social facilities;
- (f) the co-ordination of planning activities of municipalities and other public bodies;
- (g) the resolution of planning conflicts involving municipalities and other public bodies;
- (h) the health and safety of the population; and
- (i) the protection of the financial and economic well-being of the Province and its municipalities.

Policy
statements

3.—(1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue pol-

icy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.

Minister to confer

(3) Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.

Notice

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.

Idem

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1).

Regard to be had to policy statements

4.—(1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council any of the Minister's authority under this Act other than the authority to approve the official plan or amendments thereto of the municipality of which it is the council, under section 50 of the *Condominium Act*, under subsection 298 (11) and subsection 306 (2) of the *Municipal Act*, under subsection 82 (3) of the *Registry Act* and under section 145 of the *Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Delegation of Minister's powers: to municipality

R.S.O. 1980, cc. 84, 302, 445, 230

(2) The Minister, on the request of the planning board of any planning area in a territorial district, may, by order, delegate to the planning board any of the Minister's authority under this Act, other than the authority to approve official plans and amendments thereto, and where the Minister has delegated any such authority the planning board has, in lieu of the Minister,

to planning board

all the powers and rights of the Minister in respect thereof and the planning board shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(3) A delegation made by the Minister under subsection (1) or (2) may be subject to such conditions as the Minister may by order provide.

Withdrawal
of
delegation of
powers

(4) The Minister may by order, accompanied by a written explanation therefor, withdraw any delegation made under subsection (1) or (2) and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation, and immediately following any such withdrawal the council or the planning board, as the case may be, shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation or the planning board that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council or the planning board prior to such withdrawal.

Further
delegation
of powers

5.—(1) Where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Idem

(2) In addition to the authority of a council to, in turn, delegate any authority under subsection (1), where the Minister has delegated to a council his authority for the giving of consents under section 52, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate the authority for the giving of consents to a committee of adjustment constituted under section 43 and the provisions of subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications in the exercise of that authority.

Conditions

(3) A delegation made by a council under subsection (1) or (2) may be subject to such conditions as the council may by by-

law provide and as are not in conflict with any conditions provided by order of the Minister under section 4.

(4) A council may by by-law withdraw any delegation made under subsection (1) or (2), whereupon the provisions of subsection 4 (4) apply with necessary modifications.

Withdrawal of delegation of powers

6.—(1) In this section, “ministry” means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government and Ontario Hydro.

Interpretation

(2) A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality.

Consultation

7. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants of money to assist in the performing of any duty or function of a planning nature.

Grants

PART II

LOCAL PLANNING ADMINISTRATION

8.—(1) The council of a municipality may appoint a planning advisory committee composed of such persons as the council may determine.

Planning advisory committee

(2) The councils of two or more municipalities may enter into agreement to provide for the joint undertaking of such matters of a planning nature as may be agreed upon and may appoint a joint planning advisory committee composed of such persons as they may determine.

Joint planning by agreement

(3) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning to their respective municipalities the costs of the payments.

Remuneration

9.—(1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situate in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization.

Planning area defined by Minister

Planning
board for
planning
area
to board

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister.

Appointments
to board

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2) and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized.

Term of
office

(4) The members,

(a) appointed by the council of each municipality shall hold office for the term of the council that appointed them; and

(b) appointed by the Minister shall hold office for the term specified by the Minister in their appointment,

and until their successors are appointed.

Planning
area in
unorganized
territory

10. The Minister may define and name a planning area consisting of territory without municipal organization and may establish and name a planning board for the planning area and appoint the members thereof.

Body
corporate,
quorum

11.—(1) A planning board is a body corporate and a majority of its members constitutes a quorum.

Chairman

(2) A planning board shall annually elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Secretary-
treasurer,
employees,
consultants

(3) A planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is considered appropriate.

Execution of
documents

(4) The execution of documents by a planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the board.

Estimates:
one
municipality

12.—(1) A planning board established by the Minister for a planning area consisting of one municipality and territory without municipal organization shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate

and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

(2) In the case of a planning board established for a planning area consisting of two or more municipalities or consisting of two or more municipalities and territory without municipal organization, the planning board shall annually submit its estimates to the council of each of such municipalities together with a statement as to the proportion thereof to be chargeable to each municipality.

two or more
municipalities

(3) If the estimates submitted under subsection (2) are approved, or are amended and approved, by the councils of municipalities representing more than one-half of the population of the planning area for which the board was established, the estimates are binding on all the municipalities.

When
estimates
binding

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality involved and shall notify each such municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2).

Notification

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection (4), notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Board.

Where
apportionment
not
satisfactory

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final.

Power
of O.M.B

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Municipal Board under subsection (6), as the case may be.

Payment

13. Any municipality within a planning area may make grants of money to the planning board of the planning area.

Municipal
grants

14.—(1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board,

Duties of
planning
board:
advice and
assistance

(a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or

- (b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

preparation
of official
plan

(2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council.

Upper-tier
municipalities;
planning
functions

15. The council of a county or of a regional, metropolitan or district municipality, on such terms and conditions as may be agreed upon with the council of a local municipality that for municipal purposes forms part of the county or that forms part of the regional, metropolitan or district municipality, as the case may be, may,

- (a) assume any authority, responsibility, duty or function of a planning nature that the local municipality has under this or any other Act; or
- (b) provide advice and assistance to the local municipality in respect of planning matters generally.

PART III

OFFICIAL PLANS

Contents of
official plan

16. In addition to the objectives and policies referred to in clause 1 (h), an official plan may contain a description of,

- (a) the measures and procedures proposed to attain the objectives of the plan; and
- (b) the measures and procedures for informing and securing the views of the public in respect of a proposed amendment to, or of a proposed revision of, the plan, or in respect of a proposed zoning by-law.

Preparation
of official
plan by
municipality

17.—(1) The council of a municipality may provide for the preparation of a plan suitable for adoption as the official plan of the municipality.

Information
and public
meeting

(2) The council shall ensure that in the course of the preparation of the plan adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed.

(3) The meeting mentioned in subsection (2) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed plan.

Time for meeting, etc.

(4) Where an official plan contains provisions describing the measures for informing and securing the views of the public in respect of amendments that may be proposed for the plan, the provisions of subsections (2) and (3) do not apply to such amendments if the measures are complied with.

Alternative procedure

(5) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed plan adequate information, and before adopting the plan the council shall afford them an opportunity to submit comments in respect of the plan up to such time as is specified by the council.

Comments by agencies, etc.

(6) When the requirements of subsections (2), (3), (4) and (5) have been met and the council is satisfied that the plan as finally prepared is suitable for adoption, it may by by-law adopt the plan and submit it to the Minister for approval.

Adoption of plan

(7) When the plan is adopted, the council shall cause to be compiled and forwarded to the Minister a record which shall include,

Record

- (a) a certified copy of the by-law adopting the plan;
- (b) a statement by an employee of the municipality certifying that the requirements for the giving of notice and the holding of at least one public meeting as mentioned in subsection (2) or as described in the provisions of the official plan mentioned in subsection (4), as the case may be, and, for the giving of notice as mentioned in subsection (8), have been complied with;
- (c) the original or true copy of all written submissions or comments and accompanying material received prior to the adoption of the plan; and
- (d) such other information or material as the Minister may require.

(8) Where the council adopts the plan, the clerk of the municipality shall, not later than fifteen days after the day the plan was adopted, give written notice of the adoption of the

Notice

plan to the Minister, to each person who filed with the clerk a written request to be notified if the plan is adopted and to each body that submitted comments under subsection (5) and that in writing requested to be notified if the plan is adopted.

Approval,
refusal to
approve or
modification
of plan by
Minister

(9) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the plan and, subject to subsection (11), may then approve, or, after consultation with the council, refuse to approve the plan or, if modifications appear desirable to the Minister, he may, after consultation with the council, make the modifications to the plan and approve the plan as modified.

Approval of
plan in part

(10) The Minister, instead of approving the whole of the plan, may approve part only of the plan and may, from time to time, approve additional parts of the plan, provided that nothing herein derogates from the right of any person or other body to request the Minister to refer any part of the plan to the Municipal Board under subsection (11).

Referral of
plan or part
thereof to
O.M.B.

(11) The Minister may refer the plan or any part of the plan to the Municipal Board and where the council or any person or other body requests the Minister to refer the plan or any part of the plan to the Municipal Board, the Minister shall refer the plan or such part to the Board, together with the statement mentioned in subsection (12), unless in his opinion, such request is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay.

Reasons

(12) Where a person submits a request to the Minister under subsection (11), he shall include therewith a statement in writing setting out the reasons for the request.

Explanation
for refusal to
refer

(13) Where the Minister refuses to refer the plan or any part of the plan to the Municipal Board as requested under subsection (11), he shall provide a written explanation for the refusal.

Parties

(14) The parties to a referral are the person or other body, if any, that requested the referral, the municipality and any person or other body added as a party by the Municipal Board.

Adding of
parties

(15) The Municipal Board may add as a party to the referral any person, including the Minister or other body who applies to the Board to be added as a party.

Representations
by
person not a
party

(16) Despite the fact that a person is not a party to the referral, the Municipal Board may permit the person to make representations at the hearing.

(17) On a referral to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the referral, and to such other persons or bodies as the Board considers appropriate.

Hearing and
notice
thereof

(18) The Municipal Board may make any decision that the Minister could have made.

Decision

(19) Where the plan or any part of the plan is referred to the Municipal Board under subsection (11), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the part thereof, may so advise the Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the plan or the part or parts of the part of the plan, as the case may be, by which the provincial interest is, or is likely to be, adversely affected.

Where
provincial
interest
adversely
affected

(20) Where the Municipal Board has received notice from the Minister under subsection (19) the decision of the Board is not final and binding in respect of the part or parts identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the part or parts.

Decision
where
provincial
interest

(21) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the plan identified in the notice and in doing so may direct the Minister to modify the part or parts of the plan.

Power of
Lieutenant
Governor in
Council

18.—(1) Where a plan is prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board.

Recom-
mendation
of plan

(2) When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy,

Submission
of plan to
council

(a) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area; and

(b) in the case of a plan prepared at the request of a single municipality, to the council of that municipality,

together with a recommendation that it be adopted by the council.

(3) Each council to which the plan is submitted may, subject to subsections 17 (2) to (6), by by-law adopt the plan and the

Adoption of
plan

clerk of each municipality, the council of which adopted the plan, shall provide the secretary-treasurer of the planning board with a certified copy of the adopting by-law and shall comply with subsections 17 (7) and (8).

Submission
of plan to
Minister

(4) When the secretary-treasurer of the planning board has received a certified copy of an adopting by-law from a majority of the councils to which the plan was submitted he shall submit the plan to the Minister for approval together with each certified copy of the adopting by-law, and thereafter subsections 17 (9) to (21) apply.

Application
of s. 17 (2-21)

(5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality.

Adoption of
plan in
unorganized
territory

19. Before adopting a plan for a planning area consisting solely of territory without municipal organization, the planning board,

- (a) shall ensure that in the course of the preparation of the plan adequate information is made available to the public through the holding of one or more public meetings or, in the case of an amendment to the official plan, through such other measures as are provided for in the official plan, and shall afford every person who so requests an opportunity to make representation in respect of the plan; and
- (b) shall provide to such boards, commissions, authorities or other agencies as the planning board considers may have an interest in the proposed plan adequate information, and shall afford them an opportunity to submit comments in respect of the plan up to such time as is specified by the planning board,

and thereafter subsections 17 (6) to (21) apply, with necessary modifications, as though the planning board were the council of a municipality and the secretary-treasurer were the clerk of the municipality.

Lodging of
plan

20.—(1) Two certified copies of the official plan shall be lodged in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister.

(2) The lodging required by subsection (1) shall be carried out, Who to lodge plan

(a) in the case of an official plan that applies to only one municipality or part thereof or to only one municipality and territory without municipal organization, by the clerk of the municipality; and

(b) in the case of an official plan that applies to more than one municipality or parts thereof, by the clerk of the municipality that has the largest population.

(3) All copies lodged under subsection (1) shall be available for public inspection during office hours. Public inspection

21.—(1) Except as hereinafter provided, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, provided that the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and the provisions of section 17 apply to any such amendment or repeal. Amendment or repeal of plan

(2) Where the Minister is satisfied that there is not a matter of provincial interest adversely affected by an amendment to an official plan submitted to him for approval and no request for referral has been received under subsection 17 (11) he may, in writing, waive the requirement for approval thereof, whereupon the amendment shall be deemed to be approved. Waiver of requirement for approval

22.—(1) Where any person requests a council to initiate an amendment to an official plan, other than an official plan that applies in whole or in part to territory without municipal organization, and the council refuses to adopt the amendment or fails to adopt it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Referral of proposed amendment to plan to O.M.B.

(2) Where any person requests a planning board to initiate an amendment to an official plan that applies in whole or in part to territory without municipal organization and the planning board refuses to adopt the amendment or to recommend the amendment for adoption, as the case may be, or fails to adopt or recommend it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Idem

(3) The Minister may confer on the proposed amendment in like manner as he is authorized to confer under subsection 17 (9) and he may refuse the request to refer the proposed amend- Powers of Minister to confer, etc.

ment to the Municipal Board on providing a written explanation for the refusal or may refer the proposed amendment to the Board.

Application
of s. 17 (14-
17)

(4) The provisions of subsections 17 (14) to (17) apply with necessary modifications when a proposed amendment is referred to the Municipal Board under subsection (3) and the Board shall hold a hearing and thereafter reject the proposed amendment or make the amendment in such manner as the Board may determine or direct that the council cause the amendment to be made in the manner provided in the order of the Board.

Where
provincial
interest
adversely
affected

(5) Where a proposed amendment is referred to the Municipal Board under subsection (3), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the proposed amendment, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the proposed amendment by which the provincial interest is, or is likely to be, adversely affected.

Procedure by
O.M.B.

(6) Where the Municipal Board receives notice from the Minister under subsection (5) the provisions of subsections 17 (20) and (21) apply with necessary modifications.

Request by
Minister to
amend plan

23.—(1) Where the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under section 3 is, or is likely to be, adversely affected by an official plan, the Minister may request the council of a municipality to adopt such amendment as the Minister specifies to an official plan and, where the council refuses the request or fails to adopt the amendment within such time as is specified by the Minister in his request, the Minister may make the amendment.

Hearing by
O.M.B.

(2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Municipal Board to hold a hearing on the proposed amendment and the Board shall thereupon hold a hearing as to whether the amendment should be made.

Refusal to
refer to
O.M.B.

(3) Despite subsection (2), where the Minister is of the opinion that a request of any person or municipality made under subsection (2) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, he may refuse the request.

(4) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (2), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Notice

(5) The Municipal Board, after the conclusion of the hearing, shall make a decision as to whether the proposed amendment, or an alternative form of amendment, should be made but the decision is not final and binding unless the Lieutenant Governor in Council has confirmed it.

Decision of
O.M.B.

(6) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board made under subsection (5) and in doing so may direct the Minister to amend the plan in such manner as the Lieutenant Governor in Council may determine.

Powers of
L. G. in C.

24.—(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.

Public works
and by-laws
to conform
with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and the by-law shall be conclusively deemed to have conformed with the official plan on and from the day it was passed if the Minister approves the amendment to the official plan.

Validity of
by-laws
conforming
with
amendments
to plans

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.

Preliminary
steps that
may be taken
where
proposed
public work
would not
conform with
official plan

(4) Where a by-law is passed under section 34 by the council of a municipality in which an official plan is in effect and, within the time limited for appeal,

When zoning
by-law
deemed to
conform with
official plan

(a) no appeal is taken; or

- (b) an appeal is taken and the appeal is dismissed or the by-law is amended as directed on the appeal,

the by-law shall be conclusively deemed to be in conformity with the official plan, except that where the by-law is passed in the circumstances mentioned in subsection (2) the by-law shall be conclusively deemed to be in conformity with the official plan on and from the day the by-law was passed, if the Minister approves the amendment to the official plan as mentioned in subsection (2).

Acquisition
of lands in
accordance
with
provisions of
plan

25.—(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister after the 28th day of June, 1974, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Contribution
towards cost

(2) Any municipality may contribute towards the cost of acquiring land under this section.

Determi-
nation of
need for
revision of
plan

26.—(1) The council of every municipality that has adopted and had approved an official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purpose of determining the need for a revision of the official plan.

Notice

(2) Notice of every special meeting held under subsection (1) shall be published at least once a week in each of two separate weeks, such publication to be completed not later than thirty days before the date of the meeting, and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the need for a revision of the plan.

Direction by
Minister

(3) Despite subsection (1), the Minister may, at any time, direct the council of a municipality to undertake a revision of any official plan or part thereof in effect in the municipality and when so directed the municipal council shall cause the revision to be undertaken without undue delay.

Amendments
to conform
with upper-
tier plans

27.—(1) When the Minister has approved an official plan adopted by a county or by a regional, metropolitan or district municipality,

- (a) every official plan; and
- (b) every zoning by-law passed under section 34 of this Act or a predecessor thereof,

that is then in effect in the area affected by the county, regional, metropolitan or district plan shall be amended to conform therewith.

(2) Where an official plan is approved as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year of the approval of the plan, the council of the county or of the regional, metropolitan or district municipality may thereupon amend the official plan or zoning by-law, as the case may be, in like manner and subject to the same requirements and procedures as if such council was the council that failed to make the amendment within the one year period as herein required.

Amendment
by upper-tier
municipality

(3) Where an amending by-law is passed under subsection (2) by the council of a county or the council of a regional, metropolitan or district municipality, the amending by-law shall be deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended.

Deemed to
be by-law of
lower-tier
municipality

(4) In the event of a conflict between the official plan of a county or of a regional, metropolitan or district municipality and the official plan of a local municipality, the plan of the county or of the regional, metropolitan or district municipality, as the case may be, prevails to the extent of such conflict, but in all other respects the official plan of the local municipality remains in full force and effect.

Where
conflict
between
plans

PART IV

COMMUNITY IMPROVEMENT

28.—(1) In this section,

Interpre-
tation

- (a) “community improvement” means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;
- (b) “community improvement plan” means a plan approved by the Minister for the community improvement of a community improvement project area;

- (c) “community improvement project area” means an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other reason.

Designation
of
community
improvement
project area

(2) Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area.

Acquisition
and clearance
of land

(3) When a by-law has been passed under subsection (2), the municipality may,

- (a) acquire land within the community improvement project area with the approval of the Minister if the land is acquired before the community improvement plan mentioned in subsection (4) is approved and without the approval of the Minister if the land is acquired after the community improvement plan is approved;
- (b) hold land acquired before or after the passing of the by-law within the community improvement project area; and
- (c) clear, grade or otherwise prepare the land for community improvement.

Preparation
of
community
improvement
plan

(4) When a by-law has been passed under subsection (2), the council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area and the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the community improvement plan and any amendments thereto, provided however, where an official plan contains provisions describing the measures mentioned in subsection 17 (4), the provisions of subsections 17 (2) and (3) do not apply in respect of the community improvement plan and any amendments thereto, if the measures are complied with.

Deemed
community
improvement
plan

(5) The Minister may, in writing, deem the provisions relating to community improvement mentioned in subsection (2) to be a community improvement plan for the purposes of this section.

(6) For the purpose of carrying out the community improvement plan, the municipality may,

Powers of
council re
land

- (a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- (b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.

(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

Grants or
loans

(8) The provisions of subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section.

Application
of s. 32 (2, 3)

(9) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan is in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time.

Conditions of
sale, etc.

(10) An agreement entered into under subsection (9) may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land.

Registration
of agreement

R.S.O. 1980,
cc. 445, 230

Debentures
R.S.O. 1980,
c. 302

(11) Despite subsection 143 (1) of the *Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides.

Dissolution
of area

(12) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area.

Agreement
re studies and
development

29.—(1) A municipality, with the approval of the Minister, may enter into agreement with any governmental authority or any agency thereof created by statute, for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the municipality.

Where
approval of
Minister not
required

(2) Despite subsection (1), a municipality may enter into agreement with one or more other municipalities under subsection (1) without the approval of the Minister.

Agreements
for grants in
aid of
community
improvement

30. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the community improvement of a community improvement project area as defined in section 28, including the carrying out of studies for the purpose of selecting areas for community improvement.

Interpre-
tation

31.—(1) In this section,

- (a) “committee” means a property standards committee established under this section;
- (b) “occupant” means any person or persons over the age of eighteen years in possession of the property;
- (c) “officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) “owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the prop-

erty in accordance with the standards for the maintenance and occupancy of property;

- (e) “property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) “repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in a by-law passed under this section.

(2) Where there is no official plan in effect in a local municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

Adoption of
policy
statement

(3) If,

- (a) an official plan that includes provisions relating to property conditions is in effect in a local municipality; or
- (b) the council of a local municipality has adopted a policy statement as mentioned in subsection (2),

Standards
for
maintenance
and
occupancy

the council of the municipality may pass a by-law,

- (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
- (d) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;
- (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

Inspection

(4) Subject to subsection (5), when a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.

Entry
into
dwelling
place
R.S.O. 1980,
c. 400

(5) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

Notice of
violation

(6) If, after inspection, the officer is satisfied that in some respect the property does not conform with the standards prescribed in the by-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to, the owner of the property and all persons shown by the records of the land registry office and the sheriff's office to have any interest therein a notice containing particulars of the nonconformity and may, at the same time, provide all occupants with a copy of such notice.

Contents of
under

(7) After affording any person served with a notice provided for by subsection (6) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing,

- (a) the municipal address or the legal description of such property;
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and
- (c) the final date for giving notice of appeal from the order.

Order to
be sent to
last known
address

(8) A notice or an order under subsection (6) or (7), when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

(9) If the officer is unable to effect service under subsection (6) or (7), he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Substituted
service

(10) An order under subsection (7) may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (7) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

Registration
of notice

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Property
standards
committee

(12) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member as acting chairman and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.

Chairman,
acting
chairman,
secretary

(13) The members of the committee shall be paid such compensation as the council may provide.

Remuner-
ation

(14) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Filing of
documents,
etc.
R.S.O. 1980,
c. 302

(15) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection (17) shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

Quorum and
procedure

(16) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the sec-

Appeal to
committee

retary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

Decision
on appeal

(17) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

Appeal to
judge

(18) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (17) may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge on such appeal has the same powers and functions as the committee.

Effect of
decisions

(19) The order, as deemed to have been confirmed under subsection (16), or as confirmed or modified by the committee under subsection (17) or, in the event of an appeal to the judge under subsection (18), as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Power of
corporation
to repair or
demolish

(20) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,

- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

- (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

(21) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection (3), and the council of a municipality may prescribe a fee payable for such a certificate where it is issued at the request of the owner.

Certificate of compliance

(22) An owner who fails to comply with an order that is final and binding under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each day that the contravention has continued.

Enforcement

(23) Despite any other provisions of this section, if upon inspection of a property the officer is satisfied there is nonconformity with the standards prescribed in the by-law to such extent as to pose an immediate danger to the health or safety of any person the officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

Emergency order

(24) After making an order under subsection (23), the officer may, either before or after the order is served, take or cause to be taken any measures he considers necessary to terminate the danger, and for this purpose the municipality has the right, through its servants and agents, to enter in and upon the property from time to time.

Emergency powers

(25) The officer, the municipality or anyone acting on behalf of the municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (24).

No compensation where reasonable exercise of powers

(26) Where the order was not served before measures were taken by the officer to terminate the danger, as mentioned in subsection (24), the officer shall forthwith after the measures have been taken, serve or send copies of the order, in accordance with subsections (7), (8) and (9), on or to the owner of the property and all persons mentioned in subsection (6) and each copy of the order shall have attached thereto a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

Service of order and statement

Separate
service of
statement

(27) Where the order was served before the measures were taken the officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subsection (26), in accordance with subsections (7), (8) and (9), on or to the owner of the property and all persons mentioned in subsection (6).

Application
to county
judge

(28) Forthwith after the requirements of subsection (26) or (27) have been complied with the officer shall apply to a judge of the county or district court of the judicial district in which the property is situate for an order confirming the order made under subsection (23), and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge in disposing of the application may confirm the order or may modify or quash it and shall make a determination as to whether the amount expended by the municipality in taking the measures to terminate the danger may be recovered by the municipality in whole, in part or not at all.

Disposition
by judge
final

(29) The disposition of the application under clause (28) (c) is final and binding.

Recovery of
expense

(30) Where a municipality demolishes or repairs property as mentioned in subsection (20) or takes measures to terminate a danger as mentioned in subsection (24) the municipality may recover the expense incurred in respect thereof by any or all of the methods provided for in section 325 of the *Municipal Act*, except that such amount, if any, as is to be borne by the municipality as a result of a determination under clause (28) (c) may not be recovered.

R.S.O. 1980,
c. 302

Grants or
loans for
repairs

32.—(1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31 (6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Loans
collected as
taxes, lien
on land

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

Registration
of
certificate

33.—(1) In this section,

Interpre-
tation

- (a) “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) “residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 31 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Establishment
of demolition
control area
by by-law

Council
may issue
or refuse
to issue
permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Appeal to
O.M.B.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Notice of
appeal

(5) The person appealing to the Municipal Board under subsection (4) shall, in such manner and to such persons as the Board may direct, give notice of the appeal to the Board.

Application
for demolition
permit
where building
permit
issued

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions of
demolition
permit

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registration
of certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

(9) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Appeal to
O.M.B.

(10) Where any person who has obtained a demolition permit under subsection (6) that is subject to conditions under subsection (7) considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection (11) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Application
to council for
relief from
conditions of
demolition
permit

(11) Where an application is made under subsection (10), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Powers of
council on
application

(12) Any person who has made application to the council under subsection (10) may appeal from the decision of the council to the Municipal Board within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection (11) and the decision of the Board shall be final.

Appeal to
O.M.B.

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential prop-

Offence

erty has been demolished, or to imprisonment for a term of not more than six months, or to both.

Standards
for health
and safety
remain in
force

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Certain
proceedings
stayed

(15) Subject to subsection (14), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 31 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon.

Application
of
R.S.O. 1980,
c. 51, s. 5

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in section 5 of the *Building Code Act*.

PART V

LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning
by-laws

34.—(1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting
use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting
erecting,
locating or
using of
buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy
lands,
etc.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy or unstable.

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy. Construction of buildings or structures
5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality. Minimum elevation of doors, etc.
6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. Loading or parking facilities

(2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1). Pits and quarries

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law. Minimum area and density provisions

(4) A trailer as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* and a mobile home as defined in clause 45 (1) (a) of this Act shall be deemed to be a building or structure for the purposes of this section. Interpretation
R.S.O. 1980,
c. 302

(5) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection (1) or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be. Prohibition of use of land, etc., availability of municipal services

(6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certi- Certificates of occupancy

ificate shall be refused if the proposed use is not prohibited by the by-law.

Use of maps

(7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition
and
disposition
of non-
conforming
lands

(8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

Excepted
lands and
buildings

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the *Building Code Act*, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the *Building Code Act*.

R.S.O. 1980,
c. 51

By-law
may be
amended

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Appeal to
O.M.B.

(11) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the

same or amend the by-law in such manner as the Board may determine or direct that the by-law be amended in accordance with its order.

(12) Before passing a by-law under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the proposed by-law.

Information
and public
meeting

(13) The meeting mentioned in subsection (12) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed by-law.

Time for
meeting,
etc.

(14) Where there is an official plan in effect in the municipality that contains provisions describing the measures for informing and securing the views of the public in respect of proposed zoning by-laws the provisions of subsections (12) and (13) do not apply to such proposed by-laws if the measures are complied with.

Alternative
procedure

(15) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed by-law, adequate information, and before passing the by-law the council shall afford them an opportunity to submit comments in respect of it up to such time as is specified by the council.

Comments
by agencies,
etc.

(16) Where a change is made in a proposed by-law after the holding of the meeting mentioned in subsection (12), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.

Further
notice

(17) Where the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11), the clerk of the municipality shall, not later than fifteen days after the day the by-law was passed, give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed.

Notice of
passing of
by-law

(18) Any person including the Minister or agency may, within thirty-five days from the date of the passing of the by-

Appeal to
O.M.B.

law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

When by-law
deemed to
have come
into force

(19) When no notice of appeal is filed under subsection (18), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the Minister has approved the amendment to the official plan as mentioned in subsection 24 (2).

Affidavit re
no appeal,
etc.

(20) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (17) or that no notice of appeal was filed under subsection (18) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.

Forwarding
of
record, etc.,
to
O.M.B.

(21) The clerk of the municipality, upon receipt of a notice of appeal under subsection (18), shall compile a record which shall include,

- (a) a copy of the by-law certified by him;
- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (17) have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law prior to the passing thereof,

and the clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board and shall provide such other information or material as the Board may require in respect of the appeal.

Parties

(22) The parties to an appeal are the appellant, the municipality and any person or agency added as a party by the Municipal Board.

Adding of
parties

(23) The Municipal Board may add as a party to the appeal any person including the Minister, or agency who applies to the Board to be added as a party.

Representations by
person not
party

(24) Despite the fact that a person is not a party to the appeal, the Municipal Board may permit the person to make representations at the hearing.

(25) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the appeal, and to such other persons as the Board considers appropriate.

Hearing

(26) Despite subsection (25), the Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Dismissal of
appeal
without
hearing

(27) The Municipal Board may,

Powers of
O.M.B.

(a) dismiss the appeal; or

(b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order.

(28) Where an appeal has been filed under subsection (18), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the by-law, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected.

Where
provincial
interest
adversely
affected

(29) Where the Municipal Board has received notice from the Minister under subsection (28) and has made a decision on the by-law the Board shall not make an order under subsection (27) in respect of the part or parts of the by-law identified in the notice.

Procedure

(30) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such manner as the Lieutenant Governor in Council may determine.

Power of
L.G. in C.

(31) Where one or more appeals have been filed under subsection (18), the by-law does not come into force until all of such appeals have been finally disposed of whereupon the by-law, except for such parts thereof as are repealed or amended in accordance with the direction of the Municipal Board or as

When by-law
deemed to
have come
into force

are repealed or amended by the Municipal Board or by the Lieutenant Governor in Council as mentioned in subsections (27) and (30), shall be deemed to have come into force on the day it was passed.

Holding
provision
by-law

35.—(1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the use of the holding symbol mentioned in subsection (1).

Appeal to
O.M.B.

(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council refuses or neglects to make a decision thereon within thirty days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order.

Application
of
s. 34 (11-26)

(4) Subsections 34 (11) to (26) do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of its intention to pass the amending by-law.

Increased
density, etc.,
provision
by-law

36.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

Condition

(2) A by-law may not be passed containing the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the authorization of increases in height and density of development.

Agreements

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration
of agreement

R.S.O. 1980,
cc. 445, 230

37.—(1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Interim
control
by-law

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Extension of
period by-law
in effect

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof.

Notice of
passing of
by-law

(4) Any person or agency to whom notice of a by-law was given under subsection (3) may, within sixty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Appeal to
O.M.B.

(5) Where a notice of appeal is filed under subsection (4), the provisions of subsections 34 (21) to (30) apply with necessary modifications.

Application
of
s. 34 (21-30)

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the

When prior
zoning by-
law
again has
effect

interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law.

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

Application
of
s. 34 (9)

(8) The provisions of subsection 34 (9) apply with necessary modifications to a by-law passed under subsection (1) or (2).

Temporary
use
provisions

38.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.

Area and
time in
effect

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and prescribe the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.

Extension

(3) Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized.

Non-
application of
s. 34 (9) (a)

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized.

Agreement
exempting
owner from
requirement
to provide
parking

39.—(1) Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities.

Payment of
money

(2) An agreement entered into under subsection (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

Special
account

(3) All moneys received by a municipality under an agreement entered into under this section shall be paid into a special account, and the moneys in such special account shall be applied for the same purposes as a reserve fund established under paragraph 55 of section 208 of the *Municipal Act* may be applied, and the moneys in such special account may be

invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor of the municipality in his annual report shall report on the activities and position of the account.

R.S.O. 1980,
c. 512

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies, and when so registered, any moneys payable to the municipality under the agreement that have become due for payment shall be deemed to be taxes due upon the land under section 369 of the *Municipal Act* and may be collected in the same manner as municipal taxes.

Registration
of
agreement

R.S.O. 1980,
c. 302

(5) When all moneys payable to the municipality under an agreement registered under subsection (4) have been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registerable in the proper land registry office, certifying that the moneys have been paid or that the agreement has been terminated.

Certificate

40.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in clause 45 (1) (a) of this Act.

Interpre-
tation

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law designate the whole or any part of such area as a site plan control area.

Establishment
of site
plan control
area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34.

Designation
of site
plan control
area

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Municipal Board has approved one or both, as the council may determine, of the following:

Approval
of plans or
drawings

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a).
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,
 - (a) the massing and conceptual design of the proposed building;
 - (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - (c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause (c), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

Drawings for
residential
buildings

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required.

Proviso

(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Conditions
to approval
of plans

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
 2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs. R.S.O. 1980,
c. 421
 3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
 4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
 5. Facilities for the lighting, including floodlighting, of the land or of any building structures thereon.
 6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
 7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
 9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

- (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4).

Widenings,
etc., of
county,
regional,
etc.,
highways

(8) Where an area designated under subsection (2) is within a county or a regional, metropolitan or district municipality, plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the county or regional, metropolitan or district municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the county or regional, metropolitan or district municipality any or all of the following:

1. Subject to the provisions of subsection (9), widenings of highways that are under the jurisdiction of the county or regional, metropolitan or district municipality and that abut on the land.

R.S.O. 1980,
c. 421

2. Subject to the *Public Transportation and Highway Improvement Act*, where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs.

3. Where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, offstreet vehicular loading and parking facilities, either covered or uncovered, access driveways including driveways for emergency vehicles, and the surfacing of such areas and driveways;

- (b) enter into one or more agreements with the county or regional, metropolitan or district municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas.

(9) An owner may not be required to provide a highway widening under paragraph 1 of clause (7) (a) or under paragraph 1 of clause (8) (a) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described.

Widening
must be
described
in official
plan

(10) Any agreement entered into under clause (7) (c) or under clause (8) (b) may be registered against the land to which it applies and the municipality or the county or regional, metropolitan or district municipality, as the case may be, is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration
of
agreements

R.S.O. 1980,
cc. 445, 230

(11) Section 325 of the *Municipal Act* applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c).

Application
of
R.S.O. 1980,
c. 302, s. 325

(12) Where the municipality fails to approve the plans or drawings referred to in subsection (4) within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection (7) or by the county or regional, metropolitan or district municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or to the clerk of the county or regional, metropolitan or district municipality in the case of a requirement made by a county or regional, metropolitan or district municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Appeal to
O.M.B.

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

Classes of
development,
delegation

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and

- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a).

Proviso

(14) Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day.

Certain
agreements
declared
valid and
binding
R.S.O. 1970,
c. 349

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of *The Planning Act* as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding.

Conveyance
of land
for park
purposes

41.—(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.

Interpre-
tation

(2) For the purposes of subsection (3), “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.

Alternative
requirement

(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.

Official
plan
requirement

(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.

(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time.

Use and
sale of land

(6) The council of a municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of such conveyance and for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first permit, and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Cash
payment
in lieu of
conveyance

R.S.O. 1980,
c. 148

(7) The provisions of subsection 50 (12) apply with necessary modifications to all moneys received under subsection (5) or (6).

Application
of
s. 50 (12)

(8) Where land has been conveyed to a municipality for park or other public purposes or a payment of money in lieu of such conveyance has been received by the municipality pursuant to a condition imposed under this section or under section 50 or section 52 or under a predecessor of any of such sections, the conveyance or payment, as the case may be, shall be included in determining the amount of land or payment of money in lieu thereof that may subsequently be required under this section on the development, further development or redevelopment of the lands or part thereof in respect of which the original conveyance or payment was received.

Where
account
taken
of previous
conveyances
or payments

(9) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money in lieu thereof that may subsequently be required, as mentioned in subsection (8), either party may apply to the Municipal Board and the Board shall make a final determination in the matter.

Application
to O.M.B.

42.—(1) Subsections 34 (12) to (31) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

Application
of s. 34
(12-31)

R.S.C. 1970,
c. W-8

- (a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or
- (b) does not vary by more than 5 per cent any measurement so expressed.

Effect of amendment that conforms with subs. (1)

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 46 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1).

Establishment of committee of adjustment

43.—(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.

Copy of by-law to Minister

(2) Where a by-law is passed under subsection (1), a certified copy of the by-law shall be sent to the Minister by registered mail by the clerk of the municipality within thirty days of the passing thereof.

Term of office

(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually.

Idem

(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Quorum

(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

Vacancy not to impair powers

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members.

Chairman

(7) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as acting chairman.

(8) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the moneys appropriated for the purpose.

Secretary-treasurer, employees

(9) The members of the committee shall be paid such compensation as the council may provide.

Remuneration

(10) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Filing of documents, etc.

R.S.O. 1980, c. 302

(11) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed.

Rules of procedure

44.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 37, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

Powers of committee; general

(2) In addition to its powers under subsection (1), the committee, upon any such application,

special

- (a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,
 - (i) the enlargement or extension of the building or structure, provided that the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
 - (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee,

is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

- (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

Power of
committee to
grant minor
variances

(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered the provisions of subsection (1) apply with necessary modifications.

Time for
hearing

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

Notice of
hearing

(5) The committee, before hearing an application, shall in the manner and to the persons and agencies and containing the information prescribed, give notice of the application.

Hearing

(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

Oaths

(7) The chairman, or in his absence the acting chairman, may administer oaths.

Decision

(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

Conditions
in decision

(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and

subject to such terms and conditions as the committee considers advisable and as are set out in the decision.

(10) The secretary-treasurer shall not later than ten days from the making of the decision send by mail one copy of the decision, certified by him, Notice of decision

- (a) to the Minister, if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

(11) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he shall also send to the Minister such other information and material as may be prescribed. Additional material

(12) The applicant, the Minister or any other person who has an interest in the matter may within thirty days of the making of the decision appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under the *Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board. Appeal to O.M.B.

R.S.O. 1980, c. 347

(13) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board. Idem

(14) If within such thirty days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. Where no appeal

Where
appeals
withdrawn

(15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the committee is final and binding and the secretary of the Board shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.

Hearing

(16) On an appeal to the Municipal Board, the Board shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.

Dismissal
of appeal
by O.M.B.

(17) The Municipal Board may, where it is of the opinion that the objection to the decision set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing, but before so dismissing the appeal, shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers of
O.M.B.

(18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application.

Notice of
decision

(19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

Idem

(20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.

Interpre-
tation

45.—(1) In this section,

- (a) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (b) “parcel of land” means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 49 (3) (b) or clause 49 (5) (a).

One mobile
home per
parcel of land
R.S.O. 1980,
c. 413

(2) Unless otherwise authorized by a by-law in force under section 34 or an order of the Minister made under clause 46 (1) (a), or a permit issued under section 13 of the *Public Lands Act*, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land

as defined in clause (1) (b) of this section, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land.

(3) This section does not apply to prevent the continued use in the same location of any mobile home that, Saving

- (a) was erected or located and in use prior to the 1st day of June, 1977; or
- (b) was erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.

46.—(1) The Minister may by order,

- (a) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, but subsections (12) to (31) of that section do not apply to the exercise of such powers; and
- (b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 49 (4).

Power of
Minister re
zoning and
subdivision
control

(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 44 (1) and (2) in respect of a by-law passed under section 34, but the provisions of subsections 44 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers.

Power of
Minister to
allow minor
variances

(3) In the event of a conflict between an order made under clause (1) (a) and a by-law that is in effect under section 34 or 37, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

Order
prevails
over by-law
in event
of conflict

(4) Where the Minister so provides in the order, an order made under clause (1) (a) in respect of land situate in a municipality the council of which has the powers conferred by section 34 shall be deemed for all purposes except the purposes of section 24 to be a by-law passed by the council of the municipality in which the land is situate and to be in force in the municipality.

Where order
deemed
by-law of
municipality

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in

Notice

such manner as he considers proper and shall set out in the notice the provisions of subsections (8), (9) and (10).

Idem

(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),

(a) where the land affected is situate in a local municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more local municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 78 (2) of the *Municipal Act* apply with necessary modifications; and

R.S.O. 1980,
c. 302

(b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

Registration

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (b) to be registered in the proper land registry office.

Revocation
or
amendment

(8) The Minister may, on his own initiative or at the request of any person, by order, amend or revoke in whole or in part any order made under subsection (1).

Notice

(9) Except as provided in subsection (10), the Minister before amending or revoking in whole or in part an order made under subsection (1) shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

Hearing
by O.M.B.

(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

Refusal of
request by
Minister

(11) Despite subsection (10), where the Minister is of the opinion that a request of any person made under subsection (10) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, he may refuse the request.

Notice of
hearing

(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), notice of the hearing shall be given in such manner and to such persons

as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

(13) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall, except as provided in subsection (16), give effect to the decision of the Board.

Decision of
O.M.B.

(14) A copy of the decision of the Municipal Board shall be sent to each person who appeared at the hearing and made representation and to any person who in writing requests a copy of the decision.

Notification
of decision

(15) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the requested revocation or amendment, he may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the application.

Where
provincial
interest
adversely
affected

(16) Where the Municipal Board has received notice from the Minister under subsection (15) and has made a decision on the requested revocation or amendment the Minister shall not give effect to the decision under subsection (13) unless the Lieutenant Governor in Council has confirmed the decision.

Decision
where
provincial
interest

(17) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board where notice of a matter of provincial interest was given under subsection (15) and in doing so may direct the Minister to amend or revoke the order in whole or in part.

Disposition
by
L.G. in C.

(18) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under subsection 49 (4).

Effect of
land use
order

47. Despite the provisions of any other general or special Act, a licence, permit, approval or permission shall not be issued or granted nor any utility or service provided by a public utilities commission or other public or Crown agency in respect of any land, building or structure where the proposed use of the land or the erection or proposed use of the building or structure would be in contravention of section 45 or of an order made under section 46.

Where
licence,
etc., not
to issue

48.—(1) In this section, “officer” means an officer who has been assigned the responsibility of enforcing section 45,

Interpre-
tation

orders of the Minister made under clause 46 (1)(a) or zoning by-laws passed under section 34.

Entry and inspection

(2) Subject to subsection (3), where an officer believes on reasonable grounds that section 45, an order of the Minister made under clause 46 (1)(a) or a by-law passed under section 34 or 37 is being contravened, the officer or any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes the contravention is occurring.

Where warrant under R.S.O. 1980, c. 400, s. 142, required

(3) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

PART VI

SUBDIVISION OF LAND

Interpretation

49.—(1) In this section and in section 52 “consent” means,

- (a) where the land is situate within a regional municipality or is situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford, a consent given by the regional council, the Metropolitan Council, the District Council or the County Council, as the case may be;
- (b) where the land is situate within a town, village or township that forms part of a county for municipal purposes, a consent given by the council of the county;
- (c) where the land is situate within a local municipality that is within a county, but that does not form part of the county for municipal purposes other than land situate within the Township of Pelee, in the County of Essex, a consent given by the council of the local municipality;
- (d) where the land is situate within a city that is within a territorial district, other than a city within a regional

or district municipality, a consent given by the council of the city; or

- (e) where the land is situate in a territorial district but is not within a regional or district municipality or is not within a city, or where land is situate in the Township of Pelee, in the County of Essex, a consent given by the Minister,

and a reference herein and in section 52 to the Minister or to a council, as the case may be, includes a delegate thereof as provided for in sections 4, 5 and 53.

(2) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only. Proviso

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless, Subdivision control

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;
- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;
- (d) the land or any use of or right therein is being acquired for the purpose of a transmission line as defined in the *Ontario Energy Board Act* and in respect of which the person acquiring the land or any

use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

- (e) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose; or
- (f) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

R.S.O. 1980,
c. 85

Designation
of plans of
subdivision
not deemed
registered

- (4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3).

Part-lot
control

- (5) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than

land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;

- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;
- (c) the land or any use of or right therein is being acquired for the purpose of a transmission line or utility line, both as defined in the *Ontario Energy Board Act*, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; R.S.O. 1980,
c. 332
- (d) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose; R.S.O. 1980,
c. 85
- (e) the land that is being conveyed, or otherwise dealt with is the remaining part of a lot or block, the other part of which was acquired by a body that has vested in it the right to acquire land by expropriation; or
- (f) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

(6) Despite subsections (3) and (5), where land is the remaining part of a parcel of land, the other part or parts of which parcel have been the subject of a consent given under clause (3) (f) or (5) (f), the whole of the remaining part may be conveyed or otherwise dealt with before the other part or parts are conveyed or otherwise dealt with, provided that the remaining part is conveyed or otherwise dealt with before the consent mentioned above lapses under subsection 52 (22).

Conveyance
of remaining
part

Designation
of lands not
subject to
part-lot
control

(7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, but the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection (24) have been complied with, subsection (5) thereupon applies to the lands affected by the repeal or amendment.

Exception

(8) Nothing in subsections (3) and (5) prohibits, and subsections (3) and (5) shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance.

Part of
building or
structure

(9) Nothing in subsections (3) and (5) prohibits the entering into of an agreement that has the effect of granting the use of or right in a part of a building or structure for any period of years.

Agreement
under
R.S.O. 1980,
c. 126, s. 2

(10) This section does not apply to an agreement entered into under section 2 of the *Drainage Act*.

Application
to ARDA

(11) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer.

Exception to
application of
subss. (3, 5)

(12) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 52, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction.

Reference to
stipulation

(13) Where the council or the Minister stipulates in accordance with subsection (12), the certificate provided for under subsection 52 (21) shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been given without the stipulation.

(14) Where land is within a registered plan of subdivision or within a registered description under the *Condominium Act* or where land is conveyed with a consent given under section 52 or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance or of creation of any interest in the land, but this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the 15th day of December, 1978.

Effect of
contra-
vention of
s. 49, etc.,
before plan
registered,
etc.
R.S.O. 1980,
c. 84

(15) Where a person conveys land or grants, assigns or exercises a power of appointment in respect of land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections (3) and (5) to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land that is being conveyed or otherwise dealt with but this subsection does not apply to simultaneous conveyances or other simultaneous dealings involving the same parties acting in their same respective capacities.

Simultaneous
conveyances,
etc., of
abutting
lands

(16) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

Partial
discharges,
etc., effect of

(17) Subsection (16) does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

Saving

- (a) is the same land in respect of which a consent to convey has previously been given;
- (b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection (4); or
- (c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario, Ontario Hydro or by any municipality.

Foreclosure or exercise of power of sale, when approval of Minister required

(18) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be, but this subsection does not apply where the land foreclosed or in respect of which the power of sale is exercised comprises only,

- (a) the whole of one or more lots or blocks within one or more registered plans of subdivision; or
- (b) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge.

Release of interest by joint tenant or tenant in common

(19) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections (3) and (5), to convey such land by way of deed or transfer and to retain the fee in the rebutting land.

Order made under R.S.O. 1980, c. 369

(20) No order made under the *Partition Act* for the partition of land shall have any effect in law unless,

- (a) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or
- (b) a consent is given to the order.

Conveyance, etc., contrary to section not to create or convey interest in land

(21) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condi-

tion contained therein that such agreement is to be effective only if the provisions of this section are complied with.

(22) A certified copy or duplicate of every by-law passed under subsection (4) shall be lodged by the clerk of the municipality in the office of the Minister.

Copy of by-law to be lodged with Minister

(23) A by-law passed under subsection (4) is not effective until the requirements of subsection (24) have been complied with.

When by-law effective

(24) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper land registry office.

Registration of by-law

(25) No notice or hearing is required prior to the passing of a by-law under subsection (4), but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Notice

(26) The council shall hear in person or by his agent any person to whom a notice was sent under subsection (25), who within twenty days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law.

Hearing by council

50. —(1) An owner of land or his agent duly authorized in writing may apply to the Minister for approval of a plan of subdivision of his land or part thereof.

Application for approval of subdivision plan

(2) An applicant under subsection (1) shall provide as many copies as may be required by the Minister of a draft plan of the proposed subdivision drawn to scale and showing,

What draft plan to indicate

- (a) the boundaries of the land to be subdivided, certified by an Ontario land surveyor;
- (b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision

adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;

- (d) the purpose for which the lots are to be used;
- (e) the existing uses of all adjoining lands;
- (f) the approximate dimensions and layout of the proposed lots;
- (g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

Minister may
confer

(3) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the proposed subdivision.

What matters
to be
regarded

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan generally conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;
- (f) the dimensions and shape of the lots;
- (g) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are reasonable, having regard to the nature of the development proposed for the subdivision and, in particular, but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

Dedication of
land for park
and highway
purposes

- (a) that land to an amount to be determined by the Minister but not exceeding in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall

be dedicated for park or other public recreational purposes;

- (b) that such highways shall be dedicated as the Minister considers necessary;
- (c) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and
- (d) that the owner of the land enter into one or more agreements with a municipality, or where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

Subdivision
agreements

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Alternative
requirement

(7) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality and where the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality.

Cash
payment in
lieu of
conveyance

(8) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting such conveyance, require the payment of money by the owner of the land,

- (a) to the value of the land otherwise required to be conveyed; or
- (b) where the municipality would be entitled to require a conveyance under subsection (7), to the value of the

land that would otherwise be required to be so conveyed.

(9) For the purpose of determining the amount of any payment required under subsection (8), the value of the land shall be determined as of the day before the day of the draft approval of the plan and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Valuation of
land

R.S.O. 1980,
c. 148

(10) Land conveyed to a municipality pursuant to a condition imposed under subsection (5) shall be used for park or other public recreational purposes but may be sold at any time.

Use and sale
of land

(11) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (12) the sum so included in the estimates, and any person may pay any sum into the same fund.

Fund for
acquisition of
park lands

(12) All moneys received by the municipality under subsections (8) and (11) and all moneys received on the sale of land under subsection (10), less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

Special
account

R.S.O. 1980,
c. 512

(13) The Minister may, subject to subsections (14) and (15), give or refuse to give his approval to a draft plan of subdivision.

Giving or
refusing of
approval by
Minister

(14) Where the Minister proposes to refuse to give his approval to a draft plan of subdivision, the Minister shall send notice to the applicant together with written reasons as to why he proposes to refuse his approval and where the applicant does not, within sixty days of the sending of the notice, request

Reasons for
refusal

the Minister to refer the draft plan to the Municipal Board, the approval of the Minister shall be deemed to have been refused.

Referral of
plan to
O.M.B.

(15) At any time before the Minister has given or has refused to give his approval to a draft plan of subdivision, the Minister may, and upon application therefor shall, refer the draft plan of subdivision to the Municipal Board unless, in his opinion, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay and where the draft plan is referred to the Board the Board shall hear and determine the matter.

Reasons

(16) Where an application is made under subsection (15), the application shall be accompanied by written reasons in support thereof.

Reference of
conditions

(17) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions, imposed or to be imposed, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it.

Withdrawal
of approval

(18) The Minister may, in his discretion, withdraw his approval to a draft plan of subdivision or change the conditions of such approval at any time prior to his approval of a final plan for registration.

When draft
plan
approved
R.S.O. 1980,
cc. 493, 445,
230

(19) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with the *Surveys Act* and the *Registry Act* or the *Surveys Act* and the *Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

Approval
of plan by
Minister

(20) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Withdrawal
of approval
of plan for
registration

(21) When a final plan for registration is approved under subsection (20) and is not registered within thirty days of the date of approval, the Minister may withdraw his approval.

(22) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the land registrar a duplicate, or when required by the Minister two duplicates, of the plan of a type approved by the Minister, and the land registrar shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Duplicates to be deposited and sent to Minister
R.S.O. 1980, cc. 445, 230

(23) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act.

Saving

51.—(1) No person shall subdivide and offer for sale, agree to sell or sell land by a description in accordance with an unregistered plan of subdivision, but this subsection does not prohibit any person from offering for sale or agreeing to sell land by a description in accordance with a plan of subdivision in respect of which draft approval has been given under section 50.

Sale of lands in accordance with unregistered plan prohibited

(2) In subsection (1), “unregistered plan of subdivision” does not include a reference plan of survey under section 149 of the *Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of the *Registry Act* in accordance with the regulations under that Act.

Interpretation

52.—(1) An owner of land or his agent duly authorized in writing may apply for a consent as defined in subsection 49 (1) and the council or the Minister, as the case may be, may, subject to subsections (2) to (22) of this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Consent

(2) A council in dealing with applications for consent shall comply with such rules of procedure as are prescribed and a council or the Minister, as the case may be, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 50 (4) and has the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsection 50 (5), and subsections 50 (6), (7), (8), (9), (10) and (12) apply with necessary modifications.

Rules to be complied with and matters to be regarded

(3) Where, on the giving of a consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the pay-

Conveyance of land for park purposes

ment the value of the land shall be determined as of the day before the day of the giving of the consent.

Conferring
with
agencies, etc.

(4) A council, in determining whether a consent is to be given, shall confer with such agencies or persons as are prescribed.

Notice of
decision

(5) Where a decision is made by a council to give a consent, written notice of the decision, setting out the conditions, if any, imposed to the giving of the consent, shall be sent, not later than ten days from the making of the decision, to the applicant, to every agency or person conferred with under subsection (4) that in writing requested to be given notice of the decision, to any other person who in writing requested to be given notice of the decision and to the Minister, if the Minister has notified the council by registered mail that he wishes to receive a copy of all decisions made to give a consent.

Idem

(6) Where a decision is made by a council to refuse to give a consent, written notice of the decision shall be sent not later than ten days from the making of the decision to the applicant and to the agencies and persons mentioned in subsection (5), other than the Minister, together with written reasons for the decision.

Appeal to
O.M.B.

(7) The applicant, the Minister and every agency or other person to whom notice of the decision was sent may within thirty days of the making of the decision appeal to the Municipal Board against the decision by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal setting out written reasons in support of the appeal and accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

R.S.O. 1980,
c. 347

Idem

(8) Where the applicant, the Minister or any agency or other person to whom notice of the decision was sent, is not satisfied as to the conditions or any of the conditions imposed by a council, he or it may within thirty days of the making of the decision appeal in respect of the conditions or any of the conditions by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal specifying the condition or conditions appealed and setting out written reasons in support of the appeal, accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

Idem

(9) The clerk of the municipality upon receipt of a notice of appeal filed under subsection (7) or (8) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (7) or (8) to the Municipal Board by registered mail

together with all papers and documents filed with the council relating to the matter appealed from and such other documents and papers as may be required by the Board.

(10) The Minister in determining whether a consent is to be given shall confer with such officials, authorities, corporations, bodies or persons as the Minister considers may have an interest in the application and thereafter may, subject to subsections (11) to (19), give, or refuse to give, the consent.

Minister may confer with officials, etc.

(11) Where the Minister proposes to impose conditions to the giving of a consent, the Minister shall give written notice to the applicant specifying the conditions, and the Minister may change the conditions at any time prior to the giving of the consent.

Conditions

(12) Where the Minister proposes to refuse to give a consent, the Minister shall send notice to the applicant together with written reasons as to why it is proposed to refuse to give the consent and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the application for consent to the Municipal Board, the consent shall be deemed to have been refused.

Reasons for refusal to give consent

(13) At any time before written notice is given to an applicant under subsection (11) specifying conditions, the Minister may, and upon application therefor accompanied by written reasons in support thereof shall, refer the application for consent to the Municipal Board unless, in the opinion of the Minister, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay, but in no event may an application for consent be referred to the Board after the Minister has given or refused to give the consent.

Referral to O.M.B.

(14) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions imposed or to be imposed by the Minister, he or it, at any time before the consent is given, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister.

Idem

(15) On an appeal to the Municipal Board under subsection (7) or where an application for a consent is referred to the Board under subsection (13) or where conditions are appealed or referred to the Board under subsection (8) or (14), the Board shall hold a hearing of which notice shall be given to such agencies or persons and in such manner as the Board may determine.

Hearing by O.M.B.

Dismissal of
appeal
without
hearing

(16) Despite subsection (15), the Municipal Board may, where it is of the opinion that the reasons in support of an appeal under subsection (7) or (8) are insufficient, dismiss the appeal without holding a full hearing, but before so dismissing the appeal, shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers of
O.M.B.

(17) Following the hearing on an appeal under subsection (7) or a referral under subsection (13), the Municipal Board may make any decision that the council or the Minister, as the case may be, could have made on the original application and on a referral of conditions under subsection (8) or (14) the Board shall determine the question as to the condition or conditions referred to it.

Where
consent to be
given

(18) Where under subsection (17) the decision of the Municipal Board is that a consent be given, the council or the Minister, as the case may be, shall thereupon give the consent, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Idem

(19) Where the decision of the council or the Minister on an application is to give a consent and there has been no appeal under subsection (7) or (8) and no referral under subsection (13) or (14), the consent shall be given, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Where
conditions
not fulfilled

(20) Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice mentioned in subsection (5) or (11), as the case may be, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused.

Certificate
that consent
given

(21) When a consent has been given under this section, the clerk of the municipality, the council of which gave the consent or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent but, where the authority to give consents has been delegated under section 53 to a land division committee or to a committee of adjustment, the certificate shall be given by the secretary-treasurer of the appropriate committee.

(22) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (21) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister, as the case may be, in giving the consent may provide for an earlier lapsing of the consent.

When
consent
lapses

(23) Where a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents any reference in this section to “the clerk of the municipality” shall be deemed to be a reference to the secretary-treasurer of such land division committee or committee of adjustment.

Reference to
clerk deemed
reference to
secretary-
treasurer

53.—(1) The council of a county or of a regional, metropolitan or district municipality, with the approval of the Minister, may, by by-law, delegate to the council of a constituent local or area municipality, as the case may be, the authority for the giving of consents under section 52 in respect of land situate in the local or area municipality.

Delegation
of authority
to give
consents to
constituent
municipality

(2) Where authority is delegated to a council under subsection (1), such council may, in turn, by by-law, delegate the authority or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Further
delegation

(3) The Minister may, at any time, revoke the approval given under subsection (1) by giving written notice thereof to the clerk of the council that passed the delegating by-law and to the clerk of the council that received the delegated authority and when such notice is given the delegation is thereupon terminated except that all applications for consent made prior to the giving of the notice shall continue to be dealt with as if the delegation had not been terminated.

Withdrawal
of delegated
powers

(4) Except as delegated under subsection (1), the authority or any part of such authority of a council of a county or of a council of a regional, metropolitan or district municipality may be delegated by the council to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a land division committee.

Delegation to
committee of
council, etc.

(5) The council of a city that is not situate within a regional municipality or that is not situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford and the council of any other local municipality that is within a county but that does not form part of the county for municipal purposes may, by by-law, delegate the authority of the council under section 52 or any part of such

Idem

authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Committee
of
adjustment

(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, the provisions of subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications and the provisions of subsections 44 (4) to (20) do not apply, in the exercise of that authority.

Conditions,
withdrawal

(7) A delegation of authority made by a council under this section may be subject to such conditions as the council by by-law provides and the council may by by-law withdraw the delegation of authority provided however, where authority delegated under subsection (1) is withdrawn, all applications for consent made prior to the withdrawal shall continue to be dealt with as if the delegation had not been withdrawn.

District land
division
committee,
delegation

54.—(1) The Minister by order may constitute and appoint one or more district land division committees composed of such persons as he considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 52 in respect of such lands situate in a territorial district as are defined in the order.

Conditions
and
withdrawal of
delegation

(2) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application
of s. 43

(3) Where the Minister has delegated his authority to a district land division committee under subsection (1), the provisions of subsections 43 (5), (6), (7), (8), (10) and (11) apply with necessary modifications.

Agreements

(4) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 50 (6) apply with necessary modifications to any such agreement.

Remuner-
ation

(5) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Application
of fees

(6) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

55.—(1) The council of a county or of a regional, metropolitan or district municipality may by by-law constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Land division
committee

(2) The provisions of subsections 43 (2) to (11) apply, with necessary modifications, where a land division committee is constituted under subsection (1) of this section.

Application
of s. 43 (2-11)

56.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause 27 (1)(b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is made by the Minister.

Effect of
contra-
vention of
R.S.O. 1970,
c. 349, s. 29,
etc., on
conveyances
made prior to
March 19,
1973

(2) No order shall be made by the Minister under subsection (1) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

Proviso

(3) A council may, as a condition to the passage of a by-law under subsection (2), impose such conditions in respect of any land described in the by-law as it considers appropriate.

Conditions

(4) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 52.

Proviso

PART VII

GENERAL

Application
of R.S.O.
1980, c. 302,
to acquisition
of land

57. The provisions of the *Municipal Act* apply to the acquisition of land under this Act.

Power to
clear, grade,
etc., lands
acquired

58. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Exchange of
lands

59. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Fair hearing

60. Where, in passing a by-law under this Act, a council is required by this Act, by the provisions of an official plan or otherwise by law, to afford any person an opportunity to make representation in respect of the subject-matter of the by-law, the council shall afford such person a fair opportunity to make representation but throughout the course of passing the by-law the council shall be deemed to be performing a legislative and not a judicial function.

Application
of Act to
Ontario
Hydro

61.—(1) Except as provided in sections 3, 6 and 47 and subsection (2) of this section, this Act does not affect Ontario Hydro.

Idem

(2) Land and buildings owned by Ontario Hydro and used for executive, administrative or retail purposes or held under lease or licence from Ontario Hydro and, unless approved under the *Environmental Assessment Act*, any other undertaking of Ontario Hydro, are subject to this Act.

R.S.O. 1980,
c. 140

Effect of
approval or
consent of
O.M.B.

62.—(1) Where a matter is referred to the Municipal Board under this Act, the approval or consent of the Board has the same force and effect as if it were the approval or consent of the Minister or the council of a municipality.

Deemed
compliance
with Act

(2) Where an approval or consent is given under this Act, the provisions of this Act leading to such approval or consent shall be deemed to have been complied with.

Non-
application of
R.S.O. 1980,
c. 347, s. 94

63. Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of any order or decision of the Municipal Board made in respect of any matter referred or appealed to the Board under this Act.

64. When under this Act the Minister has referred a matter to the Municipal Board, the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, but where a matter has been referred to the Board pursuant to the request of any person, the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

Resumption
by Minister
of matters
referred to
O.M.B.

65. Where the Minister or the council of a municipality delegates under this Act the authority to give an approval or consent, an approval or consent given under the authority has the same force and effect as if it were the approval or consent of the Minister or the council, as the case may be.

Effect of
approval or
consent
under
delegated
authority

66.—(1) Every person who contravenes section 40, 45 or 51 or who contravenes a by-law passed under section 34 or 37 or an order made under section 46 is guilty of an offence and on conviction is liable,

Penalty

- (a) on a first conviction to a fine of not more than \$20,000; and
- (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,

Corporation

- (a) on a first conviction a fine of not more than \$50,000; and
- (b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted,

and not as provided in subsection (1).

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Order of
prohibition

Saving
R.S.O. 1980,
c. 31, s. 57

67.—(1) Despite section 57 of the *Assessment Act*, it is not an offence to disclose the information referred to therein to any employee of a municipality who declares that such information is required in the course of his planning duties.

Offence

(2) An employee of a municipality who wilfully discloses or permits to be disclosed the information referred to in subsection (1) to any other person not likewise entitled in the course of his duties to acquire or have access to the information is guilty of an offence and on conviction is liable to a fine of not more than \$2,000, or to imprisonment for a term of not more than six months, or to both.

Exception

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration.

Tariff of fees

68.—(1) The council of a municipality may by by-law prescribe a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality in respect of the processing of each type of application provided for in the tariff.

Reduction or
waiver of fees

(2) Notwithstanding that a tariff of fees is prescribed under subsection (1) the council of a municipality, a committee of adjustment or a land division committee in processing an application may reduce the amount of, or waive the requirement for the payment of a fee in respect of the application where the council or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.

Payment
under
protest:
appeal to
O.M.B.

(3) Any person who is required to pay a fee for the processing of an application in respect of a planning matter may pay the amount of the fee under protest and thereafter appeal to the Municipal Board against the levying of the fee or the amount of the fee by giving written notice of appeal to the Municipal Board within thirty days of payment of the fee.

Hearing

(4) The Municipal Board shall hear an appeal made under subsection (3) and shall dismiss the appeal or direct that a refund payment be made to the appellant in such amount as the Board determines.

Regulations

69. The Lieutenant Governor in Council may make regulations,

- (a) prescribing for the purposes of subsection 17 (2), 28 (4) or 34 (12), the persons that are to be given notice and the manner in which notice is to be given;
- (b) prescribing for the purposes of subsection 34 (17), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (c) prescribing for the purposes of subsection 35(4), 37 (3) or 44 (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;
- (d) providing for the charging of a fee on any application made in respect of a planning matter to a planning board that has had authority delegated to it by the Minister;
- (e) prescribing for the purposes of subsection 43 (11), rules of procedure for committees of adjustment;
- (f) prescribing for the purposes of subsection 52 (2), rules of procedure for councils and delegates thereof;
- (g) prescribing rules of procedure for district land division committees constituted under section 54;
- (h) prescribing agencies or persons for the purposes of subsection 52 (4); and
- (i) prescribing for the purposes of subsection 44 (11), the additional information and material required to be sent to the Minister.

70. In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail. Conflict

71.—(1) Except as provided in subsection (2), every official plan that is in effect immediately before the day this Act comes into force shall remain in effect but may be amended or repealed in accordance with this Act. Official plans remain in effect

(2) Unless continued in force by an order made by the Minister under subsection (3), every official plan of a joint planning area, other than an official plan that was adopted by the council of a county and other than an official plan of a joint planning area in a territorial district, that is in effect immediately before Repeal of joint official plans

the day this Act comes into force shall be deemed to be repealed two years from that day, if not sooner repealed.

Continuation
of joint
official plans

(3) The Minister may by order provide for the remaining in force of any joint official plan or part or parts thereof that would otherwise be deemed to be repealed under subsection (2) and in such order may make such provision for the effectual continuation of such plan or the part or parts thereof as he considers necessary, including provision for the allocation of the plan or part or parts thereof to any local municipality or country situate wholly or partly within the area to which the plan applies.

Amendment
or repeal

(4) At any time during the two year period mentioned in subsection (2), the Minister may approve any amendment or repeal of an official plan of a joint planning area that may be proposed by the council of any municipality affected by the official plan.

Planning
areas and
boards
dissolved

72.—(1) Except as provided in subsection (3), on the day this Act comes into force all planning areas including joint planning areas and subsidiary planning areas together with the planning boards thereof are dissolved.

Assets and
liabilities

(2) All the assets and liabilities of a planning board dissolved by this section are, in the case of a planning board of a planning area consisting of part or all of one municipality, assets and liabilities of such municipality and in the case of a planning board of a joint planning area, assets and liabilities of the municipalities that form part of the joint planning area and if such municipalities cannot agree as to the disposition of the assets and liabilities, the Municipal Board, upon the application of one or more of the municipalities, shall direct a final disposition thereof.

Planning
areas that are
continued

(3) Each planning area that immediately before the day this Act comes into force consists of the whole of two or more municipalities that are situate in a territorial district or consists of the whole of one or more municipalities and territory without municipal organization or consists solely of territory without municipal organization shall continue as a planning area under this Act without any change in name until altered or dissolved by the Minister.

Planning
boards that
are continued

(4) Each planning board of a planning area mentioned in subsection (3) shall continue as a planning board under this Act without any change in name or constitution until the planning area is dissolved or the name or constitution of the planning board is changed by the Minister.

(5) Persons who immediately before the day this Act comes into force are members of a planning board mentioned in subsection (4) shall remain in office until the expiry of the term of the council that appointed them and until their successors have been appointed under this Act.

Members of planning boards that remain in office

73.—(1) The *Planning Act*, except section 40, being chapter 379 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal

(2) Section 40 of the said Act is repealed.

Idem

74.—(1) In this section, “former Act” means the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980.

Interpretation

(2) Despite section 73, any matter or proceeding mentioned in subsection (3) that has been commenced under the former Act before the day this Act comes into force shall be continued and finally disposed of under the former Act.

Matters, etc., continued under R.S.O. 1980, c. 379

(3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced, in the case of,

When matters, etc., deemed commenced

- (a) an official plan or an amendment thereto or a repeal thereof, on the day the by-law adopting the plan or adopting or proposing the amendment or repeal of the plan is passed;
- (b) a request under subsection 17 (3) of the former Act, on the day the request is made;
- (c) redevelopment under section 22 of the former Act, on the day the by-law designating the redevelopment area is passed;
- (d) subdivision of land under section 36 of the former Act, on the day the application is made under subsection (1) of that section;
- (e) a zoning by-law or an amendment thereto, on the day the by-law is passed;
- (f) an application under subsection 39 (23) of the former Act, on the day the application is made;
- (g) development in a site plan control area, on the day the application is made under subsection 40 (4) of the former Act;

- (h) an application made to a committee of adjustment, a land division committee or planning board for a planning area in a territorial district, on the day the application is made; and
- (i) an application to the Minister for a consent under section 29 of the former Act, on the day the application is made.

Commence-
ment

75. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

76. The short title of this Act is the *Planning Act, 1983*.

BILL 160

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Gasoline Handling Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



EXPLANATORY NOTE

The new provision authorizes the making of regulations requiring the payment of an application fee and attaching of terms to an application.

BILL 160

1982

An Act to amend the Gasoline Handling Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of the *Gasoline Handling Act*, being chapter 185 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

s. 15,
amended

(m) requiring the payment of an application fee when applying for a licence or registration and prescribing the amount of the fee and the terms applying to an application for a licence or registration.
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. The short title of this Act is the *Gasoline Handling Amendment Act, 1982*.

Short title

BILL 160

An Act to amend
the Gasoline Handling Act

1st Reading

June 24th, 1982

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 161

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Solicitors Act

THE HON. R. MCMURTRY
Attorney General



EXPLANATORY NOTE

The section replaced permits solicitors to charge interest at the rate of 5 per cent on unpaid accounts.

The new provision permits interest on unpaid accounts to be charged at the same rate as is applicable in actions for the recovery of money and provides for interest at the same rate on money refundable on the overpayment of accounts.

BILL 161

1982

An Act to amend the Solicitors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of the *Solicitors Act*, being chapter 478 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 35,
re-enacted

35.—(1) A solicitor may charge interest on unpaid fees, charges or disbursements, calculated from a date that is one month after the bill is delivered under section 2. Interest
on unpaid
accounts

(2) Where on a taxation of a solicitor's bill of fees, charges and disbursements it appears that the client has overpaid the solicitor, the client is entitled to interest on the overpayment calculated from the date when the overpayment was made. Interest on
overpayment
of accounts

(3) The rate of interest chargeable under subsection (1) or (2) shall not exceed the rate that is established by section 36 of the *Judicature Act* in respect of an action that is commenced on the day the bill is delivered, or the overpayment is made, as the case may be. Rate of
interest

R.S.O. 1980,
c. 223

(4) The rate of interest applicable to a bill shall be shown on the bill delivered. Idem

(5) On the taxation of a solicitor's bill, the taxing officer may, where he considers it to be just to do so in all the circumstances, Variation
of rate on
taxation

(a) disallow interest; or

(b) fix a rate of interest that is less than the maximum rate authorized by this section,

in respect of the whole or any part of the amount allowed on the taxation.

Application
to accounts
before section
comes into
force
1982, c. . . .

(6) This section applies to money owing on a bill or in respect of the overpayment of a bill, notwithstanding that the debt was incurred before section 1 of the *Solicitors Amendment Act, 1982* came into force, but in that case,

- (a) the bill must be delivered or redelivered after that date and the date of such delivery is the date of delivery for the purposes of subsections (1) and (3); and
- (b) the interest on an overpayment shall be calculated from that date.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Solicitors Amendment Act, 1982*.

An Act to amend
the Solicitors Act

1st Reading

June 24th, 1982

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

BILL 162

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Education Act

MR. MARTEL



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to authorize the apportionment of school rates between public and separate schools in the case of a mixed marriage where the husband and wife own or lease rateable property jointly.

BILL 162

1982

An Act to amend the Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 125 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

s. 125,
amended

(3) Where more than one owner or tenant is the occupant or tenant of land, each owner or tenant shall be deemed to be a person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes and, in such case, the owners or tenants who are primarily liable for the payment of school rates may determine that the application of the rates shall be apportioned between public and separate school purposes.

Joint
ownership,
tenancy,
etc.
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. The short title of this Act is the *Education Amendment Act, 1982*.

Short title

An Act to amend the Education Act

1st Reading

June 24th, 1982

2nd Reading

3rd Reading

MR. MARTEL

(Private Members' Bill)

BILL 163

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Agricultural Societies Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTIONS 1, 2, 3. Under the recent reorganization of the Ministry of Agriculture and Food, the Agricultural and Horticultural Societies Branch of the Ministry was included in the Rural Organizations and Services Branch of the Ministry. The amendments proposed under sections 1 to 3 of the Bill reflect this recent reorganization.

SECTION 4. Under the proposed re-enactment of subsection 11 (2) of the Act, the officers of a society will be allowed ninety days from the day of the annual meeting to file the society's annual returns with the Director.

Subsection 11 (3) of the Act as it now reads, is set out below, showing underlined the words that will be deleted by the re-enactment:

- (3) *Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition or sponsors an amateur program, using local talent to provide entertainment, and such display, competition, or amateur program is approved by the Superintendent, the officers of the society shall within ninety days thereafter forward to the Superintendent on a form supplied by the Ministry a statement showing the particulars of the display, competition or amateur program including, where applicable, the number of entries and the expenditures, including prizes awarded, in connection therewith.*

The proposed subsection (3a) will require that the statement of officers and members of the society set out the names and addresses of its directors and officers. This information will be available to the public. This will eliminate the need for filings under the *Corporations Information Act* and, accordingly, under section 4 of the Bill, it is proposed that the Act be amended to provide that the *Corporations Information Act* not apply to societies.

BILL 163

1982

An Act to amend the Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of the *Agricultural Societies Act*, being chapter 14 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1, amended

(aa) “Director” means the person appointed as the Director under section 1a.

- (2) Clause 1 (f) of the said Act is repealed. s. 1 (f), repealed

2. The said Act is amended by adding thereto the following section: s. 1a, enacted

1a. The Minister may appoint an officer of the Ministry to be the Director for the purposes of this Act. Director

3. Sections 2, 4, 5, 7 and 9, subsection 11 (1) and sections 14, 16, 20, 24 and 25 of the said Act are amended by striking out “Superintendent” wherever it occurs and inserting in lieu thereof in each instance “Director”. ss. 2, 4, 5, 7, 9, 11 (1), 14, 16, 20, 24, 25, amended

4. Subsections 11 (2) and (3) of the said Act are repealed and the following substituted therefor: s. 11 (2, 3), re-enacted

(2) The officers of every society shall, within ninety days of the holding of the society’s annual meeting, forward to the Director a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by the society for agricultural purposes. Annual returns

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition or sponsors an amateur program, using local talent to provide entertainment, the officers of the society shall within ninety days thereafter forward to the Director on a form supplied Statement as to competitions, etc.

by the Ministry a statement showing the particulars of the display, competition or amateur program including, where applicable, the number of entries and the expenditures, including prizes awarded, in connection therewith.

Information
to be made
available
to public

(3a) The statement of officers and members referred to in subsection (1) shall, in addition to any other information that may be required, set out the names and residence addresses of the directors and officers of the society and such names and addresses shall be made available to the public by the Director.

s. 20,
amended

5. Section 20 of the said Act is amended by adding thereto the following subsection:

Non-
application of
R.S.O. 1980,
c. 96

(3) The *Corporations Information Act* does not apply to a society.

s. 24 (1),
par. 3,
subpar. iii,
re-enacted

6. Subparagraph iii of paragraph 3 of subsection 24 (1) of the said Act is repealed and the following substituted therefor:

iii. no society shall in any year receive a grant in excess of \$2,000.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Agricultural Societies Amendment Act, 1982*.

SECTION 5. The proposed subsection 20 (3) provides that the *Corporations Information Act* does not apply to a society.

SECTION 6. The maximum grant that a society may receive under paragraph 3 of subsection 24 (1) of the Act is increased from \$1,500 to \$2,000.

An Act to amend the
Agricultural Societies Act

1st Reading

June 25th, 1982

2nd Reading

3rd Reading

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

(Government Bill)

BILL 163

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Agricultural Societies Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



BILL 163

1982

An Act to amend the Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of the *Agricultural Societies Act*, being chapter 14 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: ^{s. 1, amended}

(aa) “Director” means the person appointed as the Director under section 1a.

- (2) Clause 1 (f) of the said Act is repealed.

s. 1 (f),
repealed

2. The said Act is amended by adding thereto the following section:

s. 1a,
enacted

1a. The Minister may appoint an officer of the Ministry to be the Director for the purposes of this Act. ^{Director}

3. Sections 2, 4, 5, 7 and 9, subsection 11 (1) and sections 14, 16, 20, 24 and 25 of the said Act are amended by striking out “Superintendent” wherever it occurs and inserting in lieu thereof in each instance “Director”. ^{ss. 2, 4, 5, 7, 9, 11 (1), 14, 16, 20, 24, 25, amended}

4. Subsections 11 (2) and (3) of the said Act are repealed and the following substituted therefor: ^{s. 11 (2, 3), re-enacted}

(2) The officers of every society shall, within ninety days of the holding of the society’s annual meeting, forward to the Director a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by the society for agricultural purposes. ^{Annual returns}

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition or sponsors an amateur program, using local talent to provide entertainment, the officers of the society shall within ninety days thereafter forward to the Director on a form supplied ^{Statement as to competitions, etc.}

by the Ministry a statement showing the particulars of the display, competition or amateur program including, where applicable, the number of entries and the expenditures, including prizes awarded, in connection therewith.

Information
to be made
available
to public

(3a) The statement of officers and members referred to in subsection (1) shall, in addition to any other information that may be required, set out the names and residence addresses of the directors and officers of the society and such names and addresses shall be made available to the public by the Director.

s. 20,
amended

5. Section 20 of the said Act is amended by adding thereto the following subsection:

Non-
application of
R.S.O. 1980,
c. 96

(3) The *Corporations Information Act* does not apply to a society.

s. 24 (1),
par. 3,
subpar. iii,
re-enacted

6. Subparagraph iii of paragraph 3 of subsection 24 (1) of the said Act is repealed and the following substituted therefor:

iii. no society shall in any year receive a grant in excess of \$2,000.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Agricultural Societies Amendment Act, 1982*.

BILL 163

An Act to amend the
Agricultural Societies Act

1st Reading

June 25th, 1982

2nd Reading

October 19th, 1982

3rd Reading

November 2nd, 1982

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

BILL 164

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Horticultural Societies Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



EXPLANATORY NOTES

SECTIONS 1 AND 2. Under the recent reorganization of the Ministry of Agriculture and Food, the Agricultural and Horticultural Societies Branch of the Ministry was included in the Rural Organizations and Services Branch of the Ministry. The amendments reflect the recent reorganization.

SECTION 3. The proposed re-enactment of subsection 3 (2) of the Act provides that there may be one horticultural society for every 25,000 people living in a local municipality. At present, there may only be one society for each 100,000 of population.

SECTION 4. The re-enactment of clause (b) of paragraph 7 of section 4 of the Act replaces the expression "junior director" with the expression "youth director".

SECTION 5. The proposed subsections 5 (2) and (3) provide for the naming of societies.

BILL 164

1982

An Act to amend the Horticultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (b) of the *Horticultural Societies Act*, being chapter 204 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (b),
re-enacted
 - (b) "Director" means the person appointed as the Director under section 1a.
2. The said Act is amended by adding thereto the following section: s. 1a,
enacted
 - 1a. The Minister may appoint an officer of the Ministry to be the Director for the purposes of this Act. Director
3. Subsection 3 (2) of the said Act is repealed and the following substituted therefor: s. 3 (2),
re-enacted
 - (2) In a local municipality having a population of not less than 25,000 there may be two societies and for each additional 25,000 of population there may be an additional society. Additional
societies
4. Clause (b) of paragraph 7 of section 4 of the said Act is repealed and the following substituted therefor: s. 4, par. 7,
cl. (b),
re-enacted
 - (b) where the Director has so authorized, there may be elected not more than five additional directors and not more than five youth directors and no person is eligible for election as a youth director who, at the time of the election, is more than twenty-six years of age.
5. Section 5 of the said Act is amended by adding thereto the following subsections: s. 5,
amended
 - (2) A society shall bear the name designated in the declaration or such other name as is determined by the members and approved by the Minister. Name

- Idem (3) In case of a dispute as to the name of a society or in a case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society.
- s. 10 (1), re-enacted 6. Subsection 10 (1) of the said Act is repealed and the following substituted therefor:
- Annual meeting: (1) Every society shall hold a meeting annually during the month of January, November or December or such other month as the Director approves at such time and place as the board determines.
- s. 13, amended 7. Section 13 of the said Act is amended by adding thereto the following subsection:
- Information to be made available to public (2a) The statement of officers and members referred to in subsection (1) shall, in addition to any other information that may be required, set out the address of the head office, if any, and the names and residence addresses of the directors and officers of the society and such names and addresses shall be made available to the public by the Director and where the society does not have a head office, the statement shall set out the address where the books and records of the society are kept and the name of the person responsible for the custody of the books and records.
- s. 17a, enacted 8. The said Act is further amended by adding thereto the following section:
- Incorporation 17a.—(1) Every society, whether organized before or after the coming into force of this section, is a body corporate.
- Non-application of R.S.O. 1980, c. 96 (2) The *Corporations Information Act* does not apply to a society.
- Commencement 9. This Act comes into force on the day it receives Royal Assent.
- Short title 10. The short title of this Act is the *Horticultural Societies Amendment Act, 1982*.

SECTION 6. The proposed re-enactment of subsection 10 (1) of the Act authorizes societies to hold their annual meetings in January, November or December without obtaining the approval of the Director. At present, the meeting must be held in January unless the approval of the Director is obtained.

SECTION 7. The proposed subsection 13 (2a) will require that the statement of officers and members of a society set out the names and addresses of its directors and officers. This information will be available to the public. This will eliminate the need for filings under the *Corporations Information Act*. The statement must also set out the head office address of the society. If there is no head office, the name and address of the person who has custody of the books and records must be set out.

SECTION 8. The proposed section 17a has the effect of incorporating every society.

BILL 164

An Act to amend the
Horticultural Societies Act

1st Reading

June 25th, 1982

2nd Reading

3rd Reading

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

(Government Bill)

3
BILL 164

2ND SESSION, 32ND LEGISLATURE, ONTARIO, *LEGISLATIVE ASSEMBLY*
31 ELIZABETH II, 1982 *1 2*

An Act to amend the Horticultural Societies Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



BILL 164

1982

An Act to amend the Horticultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (b) of the *Horticultural Societies Act*, being chapter 204 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (b),
re-enacted
 - (b) "Director" means the person appointed as the Director under section 1a.
2. The said Act is amended by adding thereto the following section: s. 1a,
enacted
 - 1a. The Minister may appoint an officer of the Ministry to be the Director for the purposes of this Act. Director
3. Subsection 3 (2) of the said Act is repealed and the following substituted therefor: s. 3 (2),
re-enacted
 - (2) In a local municipality having a population of not less than 25,000 there may be two societies and for each additional 25,000 of population there may be an additional society. Additional
societies
4. Clause (b) of paragraph 7 of section 4 of the said Act is repealed and the following substituted therefor: s. 4, par. 7,
cl. (b),
re-enacted
 - (b) where the Director has so authorized, there may be elected not more than five additional directors and not more than five youth directors and no person is eligible for election as a youth director who, at the time of the election, is more than twenty-six years of age.
5. Section 5 of the said Act is amended by adding thereto the following subsections: s. 5,
amended
 - (2) A society shall bear the name designated in the declaration or such other name as is determined by the members and approved by the Minister. Name

- Idem (3) In case of a dispute as to the name of a society or in a case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society.
- s. 10 (1), re-enacted 6. Subsection 10 (1) of the said Act is repealed and the following substituted therefor:
- Annual meeting: (1) Every society shall hold a meeting annually during the month of January, November or December or such other month as the Director approves at such time and place as the board determines.
- s. 13, amended 7. Section 13 of the said Act is amended by adding thereto the following subsection:
- Information to be made available to public (2a) The statement of officers and members referred to in subsection (1) shall, in addition to any other information that may be required, set out the address of the head office, if any, and the names and residence addresses of the directors and officers of the society and such names and addresses shall be made available to the public by the Director and where the society does not have a head office, the statement shall set out the address where the books and records of the society are kept and the name of the person responsible for the custody of the books and records.
- s. 17a, enacted 8. The said Act is further amended by adding thereto the following section:
- Incorporation 17a.—(1) Every society, whether organized before or after the coming into force of this section, is a body corporate.
- Non-application of R.S.O. 1980, c. 96 (2) The *Corporations Information Act* does not apply to a society.
- Commencement 9. This Act comes into force on the day it receives Royal Assent.
- Short title 10. The short title of this Act is the *Horticultural Societies Amendment Act, 1982*.

BILL 164

An Act to amend the
Horticultural Societies Act

1st Reading

June 25th, 1982

2nd Reading

October 19th, 1982

3rd Reading

November 2nd, 1982

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

BILL 165

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to Control Empire-Building in Government

MR. REID
(Rainy River)



EXPLANATORY NOTE

The Bill is intended to provide a public review mechanism to control empire-building in the public service and in Crown agencies.

BILL 165

1982

An Act to Control Empire-Building in Government

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “empire-building” means an unjustified ^{Interpretation} increase in the numbers, salaries or jurisdiction of,

- (a) the public service or a part of the public service; or
- (b) the staff or a part of the staff of a Crown agency, board, commission or corporation.

2.—(1) The Public Accounts Committee may of its own ^{Committee may} motion investigate any instance of apparent empire-building. ^{investigate}

(2) Where, after conducting an investigation under subsection (1), the Public Accounts Committee is satisfied that a person has engaged in empire-building, it shall report the matter to the Assembly and recommend that the person be dismissed or be suspended, disciplined or reprimanded in such manner as the Committee directs. ^{Committee's recommendations and report}

3. This Act comes into force on the day it receives ^{Royal} Assent. ^{Commence-ment}

4. The short title of this Act is the *Empire-Building Control* ^{Short title} Act, 1982.

An Act to Control
Empire-Building in Government

1st Reading

June 29th, 1982

2nd Reading

3rd Reading

MR. REID
(Rainy River)

(Private Member's Bill)

BILL 166

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE

An Act to establish the Ministry of Science, Technology
and Productivity

MR. REID
(Rainy River)



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes the Ministry of Science, Technology and Productivity, whose objectives are set out in section 3 of the Bill.

BILL 166

1982

An Act to establish the Ministry of Science, Technology and Productivity

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, *the Act*

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Science, Technology and Productivity;
- (b) "Minister" means the Minister of Science, Technology and Productivity;
- (c) "Ministry" means the Ministry of Science, Technology and Productivity.

2. There shall be a ministry of the public service to be known as the Ministry of Science, Technology and Productivity.

Ministry
established

3. The duties and responsibilities of the Minister are,

Minister's
duties and
responsi-
bilities

- (a) the promotion of science and research;
- (b) the advancement of technology and of the understanding of technology; and
- (c) the development of incentives and other measures for improvements in productivity,

in the public and private sectors, and such other duties and responsibilities as are assigned to the Minister by an Act or by the Lieutenant Governor in Council.

4. The Minister is responsible for the administration of this Act.

Administration
of Act

Deputy
Minister
of Science,
Technology
and
Productivity

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Science, Technology and Productivity who shall be the deputy head of the Ministry.

Idem

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister assigns or delegates to him.

Seal

6.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so reproduced, has the same effect as if manually affixed.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Ministry of Science, Technology and Productivity Act, 1982*.

BILL 166

An Act to establish the Ministry of
Science, Technology and Productivity

1st Reading

June 29th, 1982

2nd Reading

3rd Reading

MR. REID
(Rainy River)

(Private Member's Bill)

BILL 167

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to provide for the
Formulation and Implementation of Emergency Plans

THE HON. G. TAYLOR
Solicitor General



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for the formulation and implementation of emergency plans.

BILL 167

1982

An Act to provide for the Formulation and Implementation of Emergency Plans

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) “council of a municipality” includes the board of an improvement district;

(b) “Crown employee” means a Crown employee within the meaning of the *Public Service Act*;

R.S.O. 1980,
c. 418

(c) “emergency” means a situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property;

(d) “emergency area” means the area in which an emergency exists;

(e) “emergency plan” means a plan formulated under section 3, 5 or 7;

(f) “employee of a municipality” means an employee as defined in paragraph 46 of section 208 of the *Municipal Act*;

R.S.O. 1980,
c. 302

(g) “head of council” includes a chairman of the board of an improvement district;

(h) “local board” means a local board as defined in the *Municipal Affairs Act*;

R.S.O. 1980,
c. 303

(i) “local services board” means a Local Services Board established under the *Local Services Boards Act*;

R.S.O. 1980,
c. 252

(j) “member of council” includes a trustee of the board of an improvement district;

(k) “municipality” means a city, town, village, township and improvement district and includes a district, regional and metropolitan municipality and the County of Oxford.

Administra-
tion of Act

2. The Solicitor General is responsible for the administration of this Act.

Municipal
emergency
plan

3.—(1) The council of a municipality may pass a by-law formulating or providing for the formulation of an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency.

Moneys

(2) A by-law passed under subsection (1) may provide for moneys associated with the formulation and implementation of the emergency plan.

Powers of
head of
council

(3) The head of council may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area.

Declaration
as to
termination
of emergency

(4) The head of council or the council of a municipality may at any time declare that an emergency has terminated.

Solicitor
General
to be
notified

(5) The head of council shall ensure that the Solicitor General is notified forthwith of a declaration made under subsection (3) or (4).

Premier may
declare
emergency
terminated

(6) The Premier of Ontario may at any time declare that an emergency has terminated.

Emergency
plan may be
required

(7) The Lieutenant Governor in Council may designate municipalities that shall have an emergency plan respecting the type of emergency specified in the designation and, where so designated, a municipality shall formulate or provide for the formulation of the emergency plan.

Where
emergency
plan to have
no effect

4. Where the council of a district, regional or metropolitan municipality or the County of Oxford has an emergency plan, an emergency plan of an area municipality in the district, regional

or metropolitan municipality or the County of Oxford, as the case may be, shall conform to the emergency plan of the district, regional or metropolitan municipality or the County of Oxford, as the case may be, and has no effect to the extent of any inconsistency.

5.—(1) It is the responsibility of,

Emergency
plans of
provincial
government
bodies

(a) each minister of the Crown presiding over a ministry of the Government of Ontario; and

(b) each agency, board, commission or other branch of government designated by the Lieutenant Governor in Council,

to formulate an emergency plan for the ministry or branch of government, as the case may be, in respect of the type of emergency assigned to it by the Lieutenant Governor in Council, governing the provision of necessary services during an emergency and the procedures under and the manner in which Crown employees and other persons will respond to the emergency.

(2) The Lieutenant Governor in Council shall appoint an Emergency Planning Co-ordinator who, under the direction of the Solicitor General, shall be responsible for monitoring, co-ordinating and assisting in the formulation and implementation of emergency plans under this section and section 7 and ensuring that such plans are co-ordinated in so far as possible with emergency plans of municipalities and the Government of Canada and its agencies.

Emergency
Planning
Co-ordinator

6.—(1) The Premier of Ontario may declare that an emergency exists throughout Ontario or in any part thereof and may take such action and make such orders as he considers necessary and are not contrary to law to implement the emergency plans formulated under section 5 or 7 and to protect property and the health, safety and welfare of the inhabitants of the emergency area.

Declaration
of emergency

(2) For the purposes of subsection (1), the Premier of Ontario may exercise any power or perform any duty conferred upon a minister of the Crown or a Crown employee by or under an Act of the Legislature.

Power of
Premier

(3) Where a declaration is made under subsection (1) and the emergency area or any part thereof is within the jurisdiction of a municipality, the Premier of Ontario may, where he considers it necessary, direct and control the administration, facilities and equipment of the municipality to ensure the provision of necessary services in the emergency area, and, without restricting the generality of the foregoing, the exercise by the municipality of its

Emergency
powers

powers and duties in the emergency area, whether under an emergency plan or otherwise, is subject to the direction and control of the Premier.

Assistance

(4) The Premier of Ontario may require any municipality to provide such assistance as he considers necessary to an emergency area or any part thereof that is not within the jurisdiction of the municipality, and may direct and control the provision of such assistance, and the Lieutenant Governor in Council may authorize the payment of the cost thereof out of the Consolidated Revenue Fund.

Premier
may
designate
minister

(5) Where the Premier of Ontario makes a declaration under subsection (1), he may designate a minister of the Crown to exercise the powers conferred on the Premier by subsections (1), (2), (3) and (4).

Counties, local
boards and
local services
boards
included

(6) For the purposes of this section, "municipality" includes a local board of a municipality, a county and a local services board.

Lieutenant
Governor
in Council
to formulate
plan

7. The Lieutenant Governor in Council shall formulate an emergency plan respecting emergencies arising in connection with nuclear facilities, and any provisions of an emergency plan of a municipality respecting such an emergency shall conform to the plan formulated by the Lieutenant Governor in Council and are subject to the approval of the Solicitor General and the Solicitor General may make such alterations as he considers necessary for the purpose of co-ordinating the plan with the plan formulated by the Lieutenant Governor in Council.

What plan
may provide

8. An emergency plan may,

- (a) in the case of a municipality, authorize employees of the municipality or, in the case of a plan formulated under section 5 or 7, authorize Crown employees to take action under the emergency plan where an emergency exists but has not yet been declared to exist;
- (b) specify procedures to be taken for the safety or evacuation of persons in an emergency area;
- (c) in the case of a municipality, designate one or more members of council who may exercise the powers and perform the duties of the head of council under this Act or the emergency plan during the absence of the head of council or his inability to act;
- (d) establish committees and designate employees to be responsible for reviewing the emergency plan, training

employees in their functions and implementing the emergency plan during an emergency;

(e) provide for obtaining and distributing materials, equipment and supplies during an emergency; and

(f) provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency.

9. An emergency plan formulated under section 3, 5 or 7 shall be made available to the public for inspection and copying during ordinary business hours at an office of the municipality, ministry or branch of government, as the case may be. Public access to plans

10.—(1) No action or other proceeding for damages lies or shall be instituted against a member of council, an employee of a municipality, a minister of the Crown or a Crown employee for doing any act or neglecting to do any act in good faith in the implementation or intended implementation of an emergency plan or in connection with an emergency. Protection from personal liability

(2) Notwithstanding subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability for the acts or omissions of a minister of the Crown or a Crown employee referred to in subsection (1) and the Crown is liable under that Act as if subsection (1) had not been enacted. Crown not relieved of liability
R.S.O. 1980, c. 393

(3) Subsection (1) does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality referred to in subsection (1), and the municipality is liable as if subsection (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality. Municipality not relieved of liability

(4) For the purposes of this section, “municipality” includes a local board of a municipality and a county and “member of council” includes a member of a local board. Counties and local boards included

11. Where money is expended or cost is incurred by a municipality or the Crown in the implementation of an emergency plan or in connection with an emergency, the municipality or the Crown, as the case may be, has a right of action against any person who caused the emergency for the recovery of such money or cost, and for the purposes of this section, “municipality” includes a local board of a municipality, a county and a local services board. Right of action

Agreements

12.—(1) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by Canada to Ontario of any part of the cost to Ontario and to municipalities of the formulation and implementation of emergency plans.

Idem

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of any other province for the provision of any personnel, service, equipment or material during an emergency.

Idem

(3) The council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency, and for the purposes of this subsection, “municipality” includes a county.

By-law
deemed to
continue in
force

13. A by-law formulating or providing for the formulation of an emergency plan passed by the council of a municipality before this Act comes into force shall, to the extent that it conforms to this Act, be deemed to continue in force.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the *Emergency Plans Act*, 1982.

An Act to provide for the Formulation
and Implementation of Emergency Plans

1st Reading

June 30th, 1982

2nd Reading

3rd Reading

THE HON. G. TAYLOR
Solicitor General

(Government Bill)

201
35
BILL 168

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

2

An Act to amend the Legislative Assembly Act

THE HON. R. WELCH
Minister of Energy



EXPLANATORY NOTE

The annual indemnity of members of the Assembly is increased from \$30,000 to \$31,800 and the annual allowance for expenses of members of the Assembly is increased from \$10,000 to \$10,600.



BILL 168

1982

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 1, are repealed and the following substituted therefor:
 - (1) An indemnity at the rate of \$31,800 per annum shall be paid to every member of the Assembly. s. 60 (1, 2), re-enacted
Members' indemnities
 - (2) An allowance for expenses at the rate of \$10,600 shall be paid to every member of the Assembly. Members' allowances
2. This Act shall be deemed to have come into force on the 1st day of April, 1982. Commence-
ment
3. The short title of this Act is the *Legislative Assembly Amendment Act, 1982*. Short title

BILL 168

An Act to amend
the Legislative Assembly Act

1st Reading

July 5th, 1982

2nd Reading

3rd Reading

THE HON. R. WELCH
Minister of Energy

(Government Bill)

6
BILL 168

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Legislative Assembly Act

THE HON. R. WELCH
Minister of Energy



BILL 168

1982

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 1, are repealed and the following substituted therefor:
 - (1) An indemnity at the rate of \$31,800 per annum shall be paid to every member of the Assembly. s. 60 (1, 2), re-enacted
 - (2) An allowance for expenses at the rate of \$10,600 shall be paid to every member of the Assembly. Members' indemnities
2. This Act shall be deemed to have come into force on the 1st day of April, 1982. Members' allowances
3. The short title of this Act is the *Legislative Assembly Amendment Act, 1982*. Commence-ment

BILL 168

An Act to amend
the Legislative Assembly Act

1st Reading

July 5th, 1982

2nd Reading

July 7th, 1982

3rd Reading

July 7th, 1982

THE HON. R. WELCH
Minister of Energy

BILL 169

Private Member's Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LIBRARY
2

An Act to provide for a Moratorium on Mortgage Payments
for Persons affected by an Interruption of Employment

MR. LAUGHREN



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for a moratorium on the payment of principal and interest amounts secured by mortgages on the residences of persons who suffer an interruption of employment arising from a legal strike, lock-out or lay-off. The Bill also protects a mortgagor from mortgage default proceedings during the moratorium period.



BILL 169

1982

An Act to provide for a Moratorium on Mortgage Payments for Persons affected by an Interruption of Employment

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “residence” means the residence in which a person ordinarily and actually resides. Interpre-
tation

2. Where the employment of a mortgagor is interrupted by reason of a legal strike, lock-out or lay-off, the mortgagor may defer the payment of the principal money secured by the mortgage on the mortgagor’s residence and the interest thereon, Mortgage
payment
deferral

- (a) in the case of a strike or lock-out, for the period of the interrupted employment and a period of three months following the resumption of employment; or
- (b) in the case of a lay-off, for the period of the lay-off and a period of three months following the resumption of employment or for a period of six months following the day on which the lay-off commences, whichever occurs first.

3. Where the employment of a mortgagor is interrupted by reason of a legal strike, lock-out or lay-off, the mortgagee shall not bring any proceedings in respect of a default by the mortgagor in making payments under a mortgage of a mortgagor’s residence, Moratorium
on mortgage
default
proceedings

- (a) in the case of a strike or lock-out, for the period of the interrupted employment and a period of three months following the resumption of employment; or
- (b) in the case of a lay-off, for the period of the lay-off and a period of three months following the resumption of employment or for a period of six months following the

day on which the lay-off commences, whichever occurs first.

Notice

4. Sections 2 and 3 do not apply until the mortgagor gives notice of the interrupted employment, in writing, to the mortgagee and, upon the resumption of employment, the mortgagor shall give the mortgagee notice forthwith.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Mortgage Payments Moratorium Act, 1982*.

BILL 169

An Act to provide for a Moratorium
on Mortgage Payments for Persons
affected by an Interruption of Employment

1st Reading

July 5th, 1982

2nd Reading

3rd Reading

MR. LAUGHREN

(Private Member's Bill)

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BILL 170

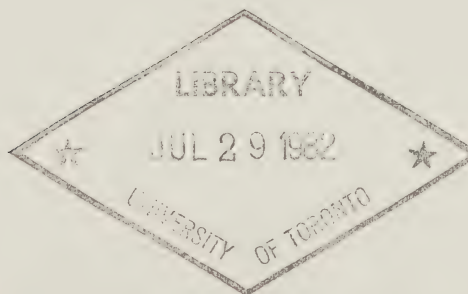
Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY
OF ONTARIO

An Act to amend the Vital Statistics Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



EXPLANATORY NOTES

SECTION 1. Subsection 27 (2) currently reads as follows:

- (2) *If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar General, the Registrar General, upon receipt of the statement of the divorce, shall register the statement.*

SECTION 2. Currently, to obtain a change of the sex designation shown on the register of birth, the applicant must provide, among other things, a certificate from a doctor practising in Ontario. This provision is being broadened to permit a certificate from a doctor practising in Canada.

SECTION 3. Subsection 39 (1) of the Act sets out the information that is to be shown on a birth certificate and provides that only the specified information shall be shown. The amendment would have the effect of permitting additional information to be shown.

BILL 170

1982

An Act to amend the Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 27 (2) of the *Vital Statistics Act*, being chapter 524 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 27 (2),
re-enacted

(2) The Registrar General, upon receiving a statement of divorce under subsection (1), shall register it.

Registration
of statement
- 2.—(1) Clause 32 (2) (b) of the said Act is amended by striking out “Ontario” in the third line and inserting in lieu thereof “Canada”.

s. 32 (2) (b),
amended

(2) Subsection 32 (3) of the said Act is amended by inserting after “(a)” in the second line “or (b)”.

s. 32 (3),
amended
3. Subsection 39 (1) of the said Act is amended by striking out “only” in the first line.

s. 39 (1),
amended
4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
5. The short title of this Act is the *Vital Statistics Amendment Act*, 1982.

Short title

BILL 170

An Act to amend
the Vital Statistics Act

1st Reading

July 6th, 1982

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(Government Bill)

28N
356
BILL 171

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revise the Farm Products Containers Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill re-enacts the *Farm Products Containers Act*.

The principal features of the Bill are as follows:

1. The power to make regulations requiring licensing will be transferred from the Minister to the Lieutenant Governor in Council.
2. The duty to collect licence fees will be transferred from the manufacturer of containers to the seller of containers.
3. The Lieutenant Governor in Council will be authorized to exempt any type of container from the regulations.
4. A seller of containers may be required to furnish information to the association related to the sale of containers.
5. An association may be authorized to recover licence fees by suit in a court of competent jurisdiction.
6. An association may be authorized to require a seller of containers to account for licence fees payable to the association.
7. The maximum fine for a first offence under the Act or regulations is raised from \$50 to \$500 and the maximum fine for subsequent offences is raised from \$200 to \$5,000.

BILL 171

1982

An Act to revise the Farm Products Containers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “association” means The Ontario Beekeepers’ Association or The Ontario Fruit and Vegetable Growers’ Association;
- (b) “container” includes any bag, basket, box, can, crate or other receptacle used or suitable for use in the marketing of honey, fruit or vegetables;
- (c) “licence” means a licence provided for under the regulations made under this Act;
- (d) “producer” means a person engaged in the production of honey, fruit or vegetables and includes a person engaged in the handling, packing, processing, shipping, transporting, purchasing or selling of honey, fruit or vegetables;
- (e) “product” means honey or any fruit or vegetable. R.S.O. 1980, c. 156, s. 1, *amended*.

2. Where the Minister of Agriculture and Food receives from an association a request asking that, for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor be required to be licensed and to pay licence fees and the Minister is of the opinion that the association is representative of such producers, the Lieutenant Governor in Council may make regulations,

Licensing of
producers

- (a) providing for the licensing of every such producer and requiring him to pay licence fees to the association

through the seller of the containers and fixing the amount of such fees and the time of payment thereof;

(b) exempting from the regulations any class of producer;

(c) exempting from the regulations any type of container;

(d) requiring every person who sells containers either directly or indirectly to producers to collect the licence fees from the producers and to pay them to the association;

(e) requiring persons engaged in selling containers to producers to furnish to the association such information relating to the sale of containers, including the completing and filing of returns, as the association determines;

(f) prohibiting the association from using any licence fees for the retail or wholesale distribution or processing of the product; and

(g) providing for the recovery by the association of licence fees by suit in any court of competent jurisdiction, and requiring persons engaged in selling containers to producers to account for licence fees payable to the association. R.S.O. 1980, c. 156, s. 2, *amended*.

Offence

3. Every person who contravenes any of the provisions of this Act or the regulations made under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$500 for a first offence and to a fine of not more than \$5,000 for a subsequent offence. R.S.O. 1980, c. 156, s. 3, *amended*.

Repeal

4. The *Farm Products Containers Act*, being chapter 156 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-
ment

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. The short title of this Act is the *Farm Products Containers Act, 1982*.

An Act to revise the
Farm Products Containers Act

1st Reading

July 6th, 1982

2nd Reading

3rd Reading

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

(Government Bill)

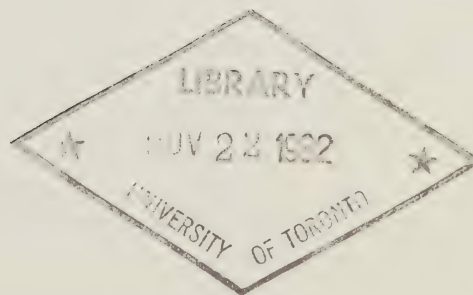
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BILL 171

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to revise the Farm Products Containers Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 171

1982

An Act to revise the Farm Products Containers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "association" means The Ontario Beekeepers' Association or The Ontario Fruit and Vegetable Growers' Association;
- (b) "container" includes any bag, basket, box, can, crate or other receptacle used or suitable for use in the marketing of honey, fruit or vegetables;
- (c) "licence" means a licence provided for under the regulations made under this Act;
- (d) "producer" means a person engaged in the production of honey, fruit or vegetables and includes a person engaged in the handling, packing, processing, shipping, transporting, purchasing or selling of honey, fruit or vegetables;
- (e) "product" means honey or any fruit or vegetable.
R.S.O. 1980, c. 156, s. 1, *amended*.

2. Where the Minister of Agriculture and Food receives from an association a request asking that, for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor be required to be licensed and to pay licence fees and the Minister is of the opinion that the association is representative of such producers, the Lieutenant Governor in Council may make regulations,

Licensing of
producers

- (a) providing for the licensing of every such producer and requiring him to pay licence fees to the association

through the seller of the containers and fixing the amount of such fees and the time of payment thereof;

- (b) exempting from the regulations any class of producer;
- (c) exempting from the regulations any type of container;
- (d) requiring every person who sells containers either directly or indirectly to producers to collect the licence fees from the producers and to pay them to the association;
- (e) requiring persons engaged in selling containers to producers to furnish to the association such information relating to the sale of containers, including the completing and filing of returns, as the association determines;
- (f) prohibiting the association from using any licence fees for the retail or wholesale distribution or processing of the product; and
- (g) providing for the recovery by the association of licence fees by suit in any court of competent jurisdiction, and requiring persons engaged in selling containers to producers to account for licence fees payable to the association. R.S.O. 1980, c. 156, s. 2, *amended*.

Offence

3. Every person who contravenes any of the provisions of this Act or the regulations made under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$500 for a first offence and to a fine of not more than \$5,000 for a subsequent offence. R.S.O. 1980, c. 156, s. 3, *amended*.

Repeal

4. The *Farm Products Containers Act*, being chapter 156 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-
ment

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. The short title of this Act is the *Farm Products Containers Act*, 1982.

An Act to revise the
Farm Products Containers Act

1st Reading

July 6th, 1982

2nd Reading

October 19th, 1982

3rd Reading

November 2nd, 1982

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

6N
36
BILL 172

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY
2

**An Act to amend the
Ministry of Agriculture and Food Act**

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The proposed section 4*a* authorizes the Minister to delegate his or her powers to the Deputy Minister or other officials or employees of the Ministry. The proposed section 4*b* provides protection from personal liability to officers and employees of the Ministry and to the members, officers, clerks and employees of the Agricultural Licensing and Registration Review Board and the Farm Products Appeal Tribunal.

BILL 172

1982

An Act to amend the Ministry of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Ministry of Agriculture and Food Act, being chapter 270 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

4a.—(1) Where, under this or any other Act or otherwise at law, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Delegation
of powers
and duties

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Contracts
and
agreements
R.S.O. 1980,
c. 147

4b.—(1) No action or other proceeding for damages shall be instituted against,

Protection
from
personal
liability

(a) the Deputy Minister or any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority; or

(b) a member, officer, clerk or employee of the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal,

for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown

Crown
liability
R.S.O. 1980,
c. 393

of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Ministry of Agriculture and Food Amendment Act, 1982*.

An Act to amend the Ministry of
Agriculture and Food Act

1st Reading

July 6th, 1982

2nd Reading

3rd Reading

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

(Government Bill)

36
BILL 172

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the
Ministry of Agriculture and Food Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 172

1982

An Act to amend the Ministry of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Ministry of Agriculture and Food Act, being chapter 270 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

4a.—(1) Where, under this or any other Act or otherwise at law, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

ss. 4a, 4b,
enacted

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Contracts
and
agreements
R.S.O. 1980,
c. 147

4b.—(1) No action or other proceeding for damages shall be instituted against,

Protection
from
personal
liability

- (a) the Deputy Minister or any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority; or
- (b) a member, officer, clerk or employee of the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal,

for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

- (2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown

Crown
liability
R.S.O. 1980,
c. 393

of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Ministry of Agriculture and Food Amendment Act, 1982*.

An Act to amend the Ministry of
Agriculture and Food Act

1st Reading

July 6th, 1982

2nd Reading

October 19th, 1982

3rd Reading

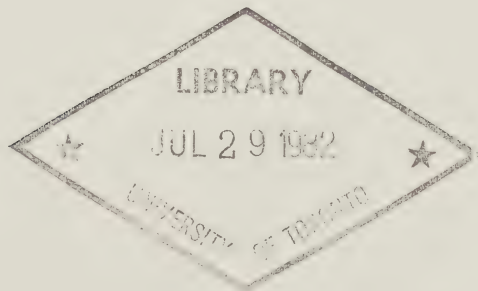
November 2nd, 1982

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the
Private Investigators and Security Guards Act

MR. MACKENZIE



EXPLANATORY NOTE

The Bill is intended to prevent undercover activities by private investigators on picket lines in the course of labour disputes.

BILL 173

1982

An Act to amend the Private Investigators and Security Guards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

28a. Despite subsection 25 (1), where a person acts as a private investigator on a picket line in the course of a labour dispute, the person shall wear a badge clearly identifying him or her as a private investigator.

s. 28a,
enacted

Private
investigator
on picket
line to wear
badge

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is the *Private Investigators and Security Guards Amendment Act, 1982*.

Commence-
ment

Short title

BILL 173

An Act to amend the Private Investigators
and Security Guards Act

1st Reading

July 6th, 1982

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

BILL 174

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to provide for the Removal of Certain Waste from
the Malvern Area

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

The Bill authorizes the Borough of Scarborough to enter into agreements with owners and occupiers of properties in the Malvern Area for the removal of soil containing radioactive material and the rehabilitation of the properties from which the soil is taken.

The Borough of Scarborough is authorized to transport the removed soil to the place designated under the Bill by the Lieutenant Governor in Council.

The Bill authorizes the Lieutenant Governor in Council to designate a place to which the Malvern Waste will be transported and where it will be received and retained. The consent of the owner and the occupier of the place is required by the Bill before the place is designated.

The Bill removes the application of certain statutes, regulations and by-laws that would otherwise apply to the undertaking.

The Bill also provides that the Director under Part V of the *Environmental Protection Act* is not required to hold a hearing or to consider submissions from persons other than the applicant for approval before issuing an approval under the Part in respect of the undertaking.

The Bill gives the Borough of Scarborough and the owner and the occupier of a place designated under the Act the powers necessary to the undertaking and their duties under the Bill. The Bill also provides that it is not necessary to obtain the assent of the electors under section 149 of the *Municipal Act* or to obtain the approval of the Ontario Municipal Board under section 64 or 65 of the *Ontario Municipal Board Act* in respect of the undertaking.

The Borough of Scarborough and the owner of the designated place (if the owner is a municipality) and their employees are protected from liability in respect of the undertaking but the burden of such liability is assumed by the Crown.

The Bill provides that the actual and necessary expenses in respect of carrying out the undertaking are to be paid out of the moneys appropriated therefor by the Legislature. Payment is to be made upon the certificate of the Minister of Intergovernmental Affairs.

BILL 174

1982

An Act to provide for the Removal of Certain Waste from the Malvern Area

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Borough of Scarborough" means the municipality or The Corporation of the Borough of Scarborough;
- (b) "Malvern Area" means the property in the Borough of Scarborough shown on Plan M-1518 (Borough of Scarborough) registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto and the property situate within fifty metres of the property shown on the said Plan M-1518;
- (c) "Malvern Waste" means radioactive material in the soil and the soil contaminated with radioactive material in the Malvern Area or a part of the material or a part of the soil;
- (d) "municipality" means the corporation of a metropolitan, regional or district municipality, a county, city, town, village, township or improvement district;
- (e) "occupier" means a person who is in lawful physical possession of a place;
- (f) "undertaking" means the activities mentioned in sections 2 to 4.

2.—(1) The Borough of Scarborough may enter into written agreements with the owners and occupiers of properties in the Malvern Area in respect of the removal of Malvern Waste and the rehabilitation of the properties by the Borough of Scarborough.

Agreements
by Borough of
Scarborough

Time limit	(2) Except with the written consent of the Minister of Inter-governmental Affairs, no agreement may be entered into under subsection (1) after six months after the day that this Act comes into force.
Removal and rehabilitation	(3) The Borough of Scarborough may remove Malvern Waste from the Malvern Area and rehabilitate property in the Malvern Area in accordance with an agreement entered into under subsection (1).
Highway R.S.O. 1980, c. 302	(4) The Borough of Scarborough may remove Malvern Waste from land that is a highway, within the meaning of the <i>Municipal Act</i> , in the Malvern Area and rehabilitate the highway.
Transportation	3. The Borough of Scarborough may transport the Malvern Waste removed by it as mentioned in section 2 to such place as is designated by the Lieutenant Governor in Council.
Consent to designation	4. —(1) The owner and the occupier of a place may consent to the designation of the place by the Lieutenant Governor in Council under this Act.
Receipt and retention	(2) The owner and the occupier of the place designated by the Lieutenant Governor in Council may receive and retain at the place the Malvern Waste transported to the place by the Borough of Scarborough under this Act.
Designation of alternate place for delivery and retention	5. —(1) The Lieutenant Governor in Council by order may designate a place to which the Borough of Scarborough may transport the Malvern Waste removed by the Borough as mentioned in section 2.
Consent of owner and occupier	(2) The Lieutenant Governor in Council shall not designate a place under subsection (1) unless the owner and the occupier of the place have consented to the designation.
Carrying out of undertaking	6. The Borough of Scarborough and the owner and the occupier of a place designated by the Lieutenant Governor in Council under this Act have and shall exercise the powers necessary to carry out the undertaking and their duties under this Act.
Application of R.S.O. 1980, cc. 140.379	7. —(1) The following do not apply in respect of the undertaking: <ol style="list-style-type: none"> 1. The <i>Environmental Assessment Act</i>. 2. The <i>Planning Act</i>. 3. The regulations and by-laws made under or in relation to the Acts mentioned in paragraphs 1 and 2.

(2) Notwithstanding Part V of the *Environmental Protection Act*, the Director under the Part is not required to hold a hearing or to consider submissions from persons other than the applicant for approval before exercising his powers under section 38 of that Act.

Hearing
not required
under
R.S.O. 1980,
c. 141, Part V

(3) No provision of any other Act or of any regulation or by-law applies or shall be applied so as to conflict with a provision of this Act.

Conflict

8. It is not necessary to obtain the assent of the electors under section 149 of the *Municipal Act* to a by-law for incurring a debt for the purpose of carrying out the undertaking or to obtain the approval of the Ontario Municipal Board under section 64 or 65 of the *Ontario Municipal Board Act* in respect of the undertaking.

Application of
R.S.O. 1980,
cc. 302, 347

9. No claim for damages or otherwise shall be commenced against the Borough of Scarborough, a municipality that is the owner of a place designated by the Lieutenant Governor in Council under this Act or an employee of either of them for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority, but the claim may be enforced against the Crown in the same manner as if the Borough of Scarborough, the municipality and their employees were agents of the Crown and, for the purpose, the Crown is not relieved of liability by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*.

Protection
from
liability

R.S.O. 1980,
c. 393

10. Upon the certificate of the Minister of Intergovernmental Affairs as to the amount of the actual and necessary expenses incurred by each of the Borough of Scarborough, and the owner and the occupier of a place designated by the Lieutenant Governor in Council under this Act in respect of carrying out the undertaking, the amounts so certified shall be paid to the Borough of Scarborough, or the owner or the occupier of the designated place, as the case requires, out of the moneys appropriated therefor by the Legislature.

Payment of
expenses of
undertaking

11. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

12. The short title of this Act is the *Malvern Waste Removal Act*, 1982.

Short title

BILL 174

An Act to provide for the Removal of
Certain Waste from the Malvern Area

1st Reading

July 7th, 1982

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

BILL 175

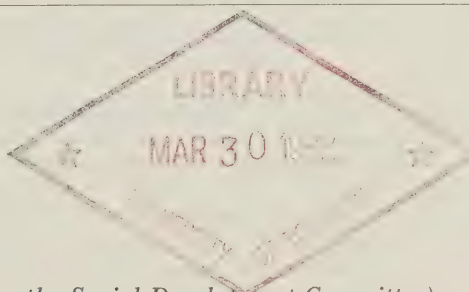
Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

**An Act to amend the
McMichael Canadian Collection Act**

THE HON. B. MCCAFFREY
Minister of Citizenship and Culture



(Reprinted as amended by the Social Development Committee)

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Section 7 of the Act is re-enacted to ensure that the Board continues to maintain the present character of the collection.

SECTION 2. The new subsection 8 (2) of the Act ensures that no work of art donated to the Corporation will be sold without the consent of the donor or his heirs, executors, administrators or assigns.

SECTION 3. Clause 9 (1) (c) of the Act is repealed with the result that any restrictions on the disposition of the net profits from the Corporation's gift shop that heretofore formed part of the special fund are removed. These moneys would now become a part of the general fund of the Corporation.

SECTION 4. The new subsection 11 (3) of the Act provides for the remuneration of the Founder Director-Emeritus to be paid out of the general fund of the Corporation.

BILL 175

1982

An Act to amend the McMichael Canadian Collection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 7,
re-enacted

7. The Board shall ensure that the focus of the collection is the art work and objects created by, Nature of
collection

(a) Tom Thomson, Emily Carr, David Milne, A. Y. Jackson, Lawren Harris, A. J. Casson, Frederick Varley, Arthur Lismer, J. H. MacDonald, Franklin Carmichael;

(b) the indigenous peoples of Canada,

and other artists who have made contributions to the development of Canadian art and whose art work and objects will be consistent with the general character of the collection.

2. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended

(2) Notwithstanding clause (1) (b), no work of art donated or bequeathed to the Corporation shall be sold without the consent of the donor, his heirs, executors, administrators or assigns, unless there is an agreement to the contrary made at the time of the gift or thereafter. Consent
of donor

3. Clause 9 (1) (c) of the said Act is repealed. s. 9 (1) (c),
repealed

4. Section 11 of the said Act is amended by adding thereto the following subsection: s. 11,
amended

(3) The Founder Director-Emeritus of the Corporation shall receive such remuneration as the Lieutenant Governor in Coun- Idem,
Founder
Director-
Emeritus

cil may determine, payable out of the general fund of the Corporation.

s. 18 (c),
re-enacted

- 5.** Clause 18 (c) of the said Act is repealed and the following substituted therefor:

(c) Robert McMichael shall be the Founder Director-Emeritus of the Corporation with such powers as are assigned to him from time to time by the Board and such duties as are set out in an agreement dated the 7th day of October, 1980, between the chairman of the Board and Robert McMichael and shall hold such office during pleasure of the Lieutenant Governor in Council.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** The short title of this Act is the *McMichael Canadian Collection Amendment Act, 1982*.

SECTION 5. Clause 18 (c) of the Act as re-enacted appoints Robert McMichael "Founder Director-Emeritus" of the Corporation.

An Act to amend the
McMichael Canadian Collection Act

1st Reading

March 9th, 1982

2nd Reading

March 9th, 1982

3rd Reading

THE HON. B. McCAFFREY
Minister of Citizenship and Culture

(Reprinted as amended by the
Social Development Committee)

3
BILL 175

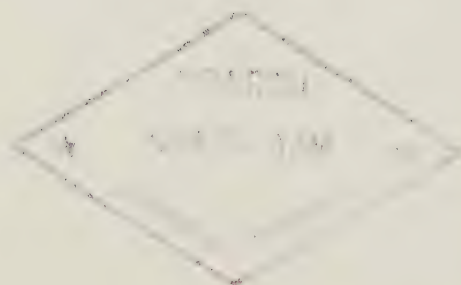
2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY
1/2

An Act to amend the
McMichael Canadian Collection Act

THE HON. B. MCCAFFREY
Minister of Citizenship and Culture





BILL 175

1982

An Act to amend the McMichael Canadian Collection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 7,
re-enacted

7. The Board shall ensure that the focus of the collection is the art work and objects created by, Nature of
collection

(a) Tom Thomson, Emily Carr, David Milne, A. Y. Jackson, Lawren Harris, A. J. Casson, Frederick Varley, Arthur Lismer, J. H. MacDonald, Franklin Carmichael;

(b) the indigenous peoples of Canada,

and other artists who have made contributions to the development of Canadian art and whose art work and objects will be consistent with the general character of the collection.

2. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended

(2) Notwithstanding clause (1) (b), no work of art donated or bequeathed to the Corporation shall be sold without the consent of the donor, his heirs, executors, administrators or assigns, unless there is an agreement to the contrary made at the time of the gift or thereafter. Consent
of donor

- 3.—(1) Clause 9 (1) (c) of the said Act is repealed. s. 9 (1) (c),
repealed

(2) Section 9 of the said Act is amended by adding thereto the following subsection: s. 9,
amended

(4) The net profits of the Corporation from the sale of books, art reproductions, copyrights, artifacts and other wares may be Disposition
of proceeds
from gift
shop

paid into and become part of the special fund or the general fund and where such net profits are paid into the general fund, any part of the net profits may be transferred from the general fund to the special fund, as the Board may determine.

s. 11,
amended

4. Section 11 of the said Act is amended by adding thereto the following subsection:

Idem,
Founder
Director-
Emeritus

(3) The Founder Director-Emeritus of the Corporation shall receive such remuneration as the Lieutenant Governor in Council may determine, payable out of the general fund of the Corporation.

s. 18 (c),
re-enacted

5. Clause 18 (c) of the said Act is repealed and the following substituted therefor:

(c) Robert McMichael shall be the Founder Director-Emeritus of the Corporation with such powers as are assigned to him from time to time by the Board and such duties as are set out in an agreement dated the 7th day of October, 1980, between the chairman of the Board and Robert McMichael and shall hold such office during pleasure of the Lieutenant Governor in Council.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *McMichael Canadian Collection Amendment Act, 1982*.

An Act to amend the
McMichael Canadian Collection Act

1st Reading

March 9th, 1982

2nd Reading

March 9th, 1982

3rd Reading

April 23rd, 1982

THE HON. B. McCAFFREY
Minister of Citizenship and Culture

BILL 176

Government Bill

2ND SESSION, 32ND LEGISLATURE ONTARIO
31 ELIZABETH II, 1982

SENATE READING

An Act to amend the Securities Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The proposed re-enactment of subparagraph i of paragraph 2 of subsection 1 (1) extends the definition of associate to include all issuers that are related to a person or company in the circumstances set out in that subparagraph.

The proposed subparagraphs iv and v clarify the present subparagraph iv.

Subsection 2. The amendment complements the definition of “director” as set out in paragraph 10 of subsection 1 (1) of the Act and extends the application of the meaning of “board of directors” to include, with respect to issuers that are not incorporated, those persons who act in a capacity similar to directors of a company.

Subsection 3. Clauses (a) and (b) repeal a spent provision. The proposed amendment set out in clause (c) is complementary to the enactment of subsection 71 (4a) as set out in subsection 22 (9) of the Bill.

Subsection 4. This subsection repeals a spent provision.

Subsection 5. The amendment is complementary to amendments to sections 34 and 71 of the Act as set out in sections 12 and 22 of the Bill.

Subsection 6. The amendment will make paragraph 16 consistent with the wording of paragraph 28 of subsection 1 (1) of the Act.

Subsection 7. The amendment is complementary to amendments to sections 34 and 71 of the Act as set out in sections 12 and 22 of the Bill.

Subsection 8. The amendment excludes employees of affiliated companies from the calculation of the fifty shareholders to which a private company is limited.

Subsection 9. “Private mutual funds” are exempt from the registration and prospectus filing requirements of the Act. The amendment would incorporate into the Act the substance of clause 14 (d) and subsection 19 (2) of Regulation 910 of Revised Regulations of Ontario, 1980 that expand on the types of plans registered under the *Income Tax Act* (Canada) that can be served by a private mutual fund while at the same time imposing restrictions as to the promotion and management of such funds. In the course of the transfer into the Act these restrictions as to promotion and management have been eased to the extent that an affiliate of a trust company can promote and manage such a fund and a registrant can manage it.

Subsection 10. The re-enactment confirms that a company which is a reporting issuer by virtue only of being an offering corporation under the *Business Corporations Act* remains a reporting issuer when continued in another jurisdiction. The date set out in the amendment was the date that the proposed amendment was published in the Weekly Bulletin of the Commission.

Subsection 11. At present, subsections 1 (2) to (4) of the Act deem certain companies to be affiliated companies, controlled companies and subsidiary companies of a company. The proposed re-enactment extends the application of these provisions to all issuers.

Subsection 1 (5) of the Act deems certain securities to be beneficially owned by a person. The proposed re-enactment extends the operation of this provision to shares beneficially owned through a trustee, legal representative, agent or other intermediary.

The composition of the Commission is amended to provide that the Commission shall be composed of not less than nine and not more than eleven members. At present, the Commission has nine members.

SECTIONS 2 AND 3. The Lieutenant Governor in Council will be authorized to designate one of the members of the Commission as Deputy Chairman and two members as Vice-Chairmen. The authority of the Commission to sit in two or more panels is clarified.

SECTION 4. The amendment clarifies the powers of the Commission in situations where experts have been appointed.

SECTION 5.—Subsection 1. The amendment provides consistency with the wording of clause 12 (b) of the Act.

Subsection 2. The amendment provides that the powers conferred under subsection 11 (3) apply to all securities and not just to stocks.

SECTION 6. The amendment provides that a person giving evidence at an investigation made under section 13 has a right to be represented by counsel.

SECTION 7.—Subsection 1. At present, a freeze order made under clause 16 (1) (b) applies only to issuers. The amendment extends the power to make freeze orders under the said clause to any person or company.

Subsection 2. At present, a freeze order made under section 16 can be made only in respect of funds and securities. The amendment extends the power to make such orders to include orders freezing all other property of a person or company against whom an order is made.

Subsections 3 and 4. The amendments are complementary to the amendments to subsection 16 (1) of the Act.

SECTIONS 8, 9 AND 10. The proposed section 18a and the amendments to sections 19 and 20 of the Act provide for Commission recognition of, and oversight over, self-regulatory bodies such as the Ontario District of the Investment Dealers Association of Canada. Under the present Act, Commission oversight is limited to the rules and regulations in respect of practice and procedure on audits of members.

SECTION 11. The amendment clarifies a vague pronominal reference.

SECTION 12.—Subsection 1. The amendment clarifies that the exemption from the requirements for registration applies to sheriffs acting under the *Execution Act*.

Subsection 2. The exemption from registration requirements under paragraph 3 of subsection 34 (1) of the Act will be extended to subsidiaries of banks, loan corporations, trust companies and insurance companies.

Subsection 3. The exemption available under this clause provides that a trade is exempt from the registration requirements where the purchaser purchases as principal at least \$97,000 worth of the security. The clause is amended to require that an offering memorandum be furnished if the seller is one of the persons or companies mentioned in the proposed subclauses (i) to (iii).

Subsections 4 and 5. The exemption from registration requirements now set out in clauses 140 (d) and (e) of Regulation 910 of Revised Regulations Ontario, 1980, will be transferred to the Act.

Subsection 6. The exemption from registration requirements under paragraph 12 of subsection 34 (1) will be extended to trades by an issuer in securities as an incidental to the dissolution of the issuer.

Subsection 7. The exemption from registration requirements under subparagraph ii of paragraph 15 will be extended to include a type of merger known as a three-cornered merger.

Subsection 8. The re-enactment incorporates the substance of section 20 of Regulation 910 of Revised Regulations of Ontario, 1980, into the Act. The amendment clarifies that solicitations and purchases in all jurisdictions are to be aggregated for the purpose of determining if the requirements for the exemption in paragraph 21 of subsection 34 (1) have been met and extends the exemption to senior officers and directors of affiliates of an issuer.

Subsection 9. The amendments incorporate into the Act the substance of certain exemptions from registration requirements now contained in clause 14 (g) and section 140 of Regulation 910 of Revised Regulations of Ontario, 1980. Registration will not be required where the trade is,

- (a) among controlling security holders of an issuer in the securities of that issuer;
- (b) by an issuer in its securities to its promoters and trades in the securities of the issuer among its promoters;
- (c) among the initial purchasers under the limited offering exemption in paragraph 21 or 30 of subsection 34 (1) in the securities of the issuer taken down on the limited offering;
- (d) by an issuer pursuant to a plan made available to its security holders permitting the security holder to elect that dividends or interest in respect of the issuer's securities be used to purchase securities of the issuer which are either publicly traded or redeemable at the holder's option;
- (e) by offerees responding to a take-over bid or issuer bid;
- (f) among dealers each of whom is registered in this or another jurisdiction in exchange-traded stock options traded on exchanges recognized by the Commission;
- (g) by a trust company through its offices in securities of a mutual fund promoted, managed and administered by a trust company;
- (h) in government incentive securities.

Subsection 10. The amendment incorporates into the Act the substance of subsection 19 (1) of Regulation 910 of Revised Regulations of Ontario, 1980, which made the exemption from registration for trades in debt instruments issued by a financial institution unavailable to those instruments ranking junior in right of payment to deposits held by the financial institution.

Subsection 11. The amendment incorporates into the Act the exemption of clause 14 (a) of Regulation 910 of Revised Regulations of Ontario, 1980, for trades in the four described types of variable insurance contracts.

Subsection 12. The proposed clause 34 (3) (a) has the same effect as the present subsection 34 (3). The proposed clause (b) deems a portfolio manager to be purchasing as principal when trading for fully managed accounts.

The proposed subsection 34 (4) is complementary to the proposed paragraph 16 of subsection 34 (2).

SECTION 13. The proposed re-enactment of subsection 35 (6) is set out below showing underlined the proposed change:

- (6) *Every dealer who has acted as agent in connection with any trade in a security shall promptly disclose to the Commission, upon request by the Commission, the name of, and, to the extent of his knowledge after having made due inquiry, sufficient further particulars to identify, the person or company from or to or through whom the security was bought or sold.*

The amendment reflects the fact that identification by name only may not be sufficient to identify a person.

SECTION 14. The re-enactment clarifies that subsection 38 (2) applies only to registered dealers.

SECTION 15. The present section 41 requires that a registered dealer publish the names of those persons who have at least a 5 per cent interest in their capital on documents containing any offer or solicitation respecting a trade in securities and in preliminary prospectuses and prospectuses. The proposed re-enactment requires that a dealer provide its customers, on request, with an annual financial statement of the dealer together with a recent list of the names of the partners or directors and senior officers of the dealer.

SECTION 16. The present subsection 48 (2) requires that, where securities registered in the name of a registrant are otherwise beneficially owned, the registrant must pass on proxy material to the beneficial owner if the issuer or beneficial owner has agreed to pay the reasonable costs incurred by the registrant. The amendment will extend this requirement to issuer bid and take-over bid related materials and to proxy materials prepared by non-management personnel if the issuer or other sender or the beneficial owner has agreed to pay the dealer's costs in so doing.

SECTIONS 17 AND 18. Section 51 of the Act is now spent. The re-enactment of subsection 52 (1) is complementary to the repeal of section 51.

SECTION 19. The proposed clause 59 (1) (a) has the same effect as the present section 59. The proposed re-enactment of section 59 requires that every prospectus and offering memorandum contain statements respecting purchasers' rights and the limits of those rights.

SECTION 20. The reference to "distribution to the public" is deleted because it is now obsolete.

SECTION 21. The amendment corrects an internal reference.

SECTION 22.—Subsections 1 to 6. The exemptions from prospectus requirements are amended in the same manner as the similar exemptions from registration requirements set out in subsections 12 (2), (3), (6), (7), (8) and (9) of the Bill.

Subsection 7. The proposed re-enactment of subsection 71 (2) has the same effect as the amendment to subsection 34 (3) as set out in subsection 12 (11) of the Bill.

The proposed subsection 71 (2a) requires two copies of every offering memorandum to be filed with the Commission.

Subsection 8. The amendment extends the requirement for the filing of a report to trades made under the proposed clauses 71 (1) (*m*), (*v*) and (*y*).

Subsection 9. The proposed subsection 71 (4) makes statutory hold periods, as defined in the proposed subsection 71 (12), applicable to securities acquired in a trade between limited offering purchasers and securities acquired pursuant to the government incentive security exemption and those acquired in a trade between parties who purchased under the government incentive security exemption.

Controlling security holders of an issuer will not be permitted to satisfy the conditions for resale under subsection 71 (4) as an alternative to meeting those prescribed under subsection 71 (7). The proposed subsection 71 (4) also deletes the adjective "unusual" in referring to proscribed efforts to prepare the market for the securities to be sold.

The new subsection 71 (4*a*) imposes a statutory hold period on securities acquired pursuant to the exercise of a right to purchase, convert or exchange previously acquired in connection with an initial trade in securities where the resale of the last mentioned securities would itself be subject to a statutory hold period. The hold periods on the converted securities run from the date of the initial trade. Subsection 71 (4*a*) also imposes a second hold period of sixty days following the giving of notice to the Commission of the exercise of the right to purchase, convert or exchange where the vendor and related parties own, or would own on the exercise of all currently exercisable rights of conversion held by them more than 5 per cent of the subject class of securities. This second hold period may run concurrently with the first depending upon when the vendor chooses to exercise the right of purchase, conversion or exchange.

The present subsection 71 (5) requires that every vendor of securities determine, at the time of resale, that the issuer is not in default of any requirements under the Act. The amendment limits this requirement to "persons in a special relationship to the issuer" as defined in section 75.

The proposed subsection 71 (5) also adds securities acquired pursuant to rights offering under clause 71 (1) (*h*) and securities acquired pursuant to dividend and interest reinvestment plans under the proposed clause 71 (1) (*w*) to the list of first trades that are subject to resale restrictions.

The proposed subsection 71 (5*a*) provides that qualification of convertible securities by a prospectus will also qualify, for immediate resale, the securities obtained on conversion, if they are listed on a recognized stock exchange. This exemption is subject to a hold period of sixty days following the giving of notice to the Commission of the exercise of the right to convert where the vendor and related parties would own on the exercise of all currently exercisable rights of conversion held by them more than 5 per cent of the subject class of securities.

The proposed subsection 71 (5*b*) incorporates into the Act the substance of clause 16 (*a*) of Regulation 910 of Revised Regulations of Ontario, 1980 which provides that a trade in securities acquired pursuant to a distribution, where a securities exchange take-over bid circular was employed, is not itself a distribution.

The proposed re-enactment of subsection 71 (6) incorporates into the Act the substance of clause 16 (*b*) and subsections 17 (1) and (3) of Regulation 910 of Revised Regulations of Ontario, 1980, which provide that a trade in securities acquired by an incorporator of an issuer is not subject to the prospectus filing requirement of the Act where the purchaser is a promoter of the issuer but that the promoter's resale is subject to the conditions and procedures in subsection 71 (7) as is his resale of securities taken down from the issuer or acquired from another promoter.

Subsections 10 and 11. The present subsection 71 (7) of the Act would, but for the regulations, have permitted a distribution from a control block to be made without a prospectus if the following conditions were met:

1. The issuer had been a reporting issuer for eighteen months and is not in default of any requirement under the Act.
2. Prior to, and periodically through the distribution, the seller made prescribed disclosure as to the particulars of his control position and his intended trade and affirmed his lack of knowledge of any material change or other material adverse information regarding the issuer not generally disclosed.
3. The seller filed accelerated insider reports after the completion of each trade.
4. No unusual effort was made to prepare the market or to create a demand for the securities.

In addition, the Act was intended to operate so that if the securities to be distributed by a controlling security holder had been previously acquired pursuant to exemptions referred to in subsection 71 (4), the conditions in that subsection, including the prescribed hold periods, had to be satisfied by him.

The Commission has expressed its concern that abuses might arise through the use of subsection (7) as a technique to enable reporting issuers to effect "back-door" underwritings without a prospectus and has acknowledged the lack of precision to the limitations on market grooming activities.

The proposed amendments incorporate, with modifications, section 19c of Regulation 910 of Revised Regulations of Ontario, 1980, into the Act and address the concerns of the Commission by making subsection (7) and the proposed subsections (7a) to (7c) into a complete code governing resales by an issuer's controlling security holders and by adding the following conditions to those described above:

1. In all events, the securities, or that number of securities of the class to be distributed, must have been held for at least six months.
2. The securities acquired pursuant to exemptions referred to in subsections 71 (4) and (4a) must have been held for the applicable hold periods.
3. Where 5 per cent or more of the securities owned by the control person have been distributed pursuant to subsection 71 (7) within the previous twelve-month period, and the seller has acquired any securities of the class to be distributed pursuant to an exempt trade that is referred to in subsection 71 (4), no security of that class, however and whenever acquired, may be distributed until all securities of that class have been held by the controlling security holder for the applicable hold periods which run from the last exempt trade.

The proposed re-enactment of clause 71 (7) (c) deletes "unusual" before "effort" in the first line.

The proposed subsection 71 (12) is complementary to the enactment of subsections 71 (4a) and (5a).

SECTION 23. A statement of material facts will be required to contain the same statements as are required in a prospectus and in an offering memorandum under section 59.

SECTION 24. The amendment clarifies the wording with respect to making use of knowledge of material changes that have not been generally disclosed.

SECTION 25.—Subsection 1. The proposed re-enactment of clause 75 (1) (b) clarifies that the clause applies to individuals and to companies.

Subsection 2. The amendment extends the application of the definition of “special relationship” to directors, officers and employees of all issuers that are insiders or affiliates of a reporting issuer.

Subsection 3. The proposed clause 75 (3) (e) has the effect of extending the bar against trading with non-disclosed inside information or informing others of such information to a person who has acquired the information from a person or company referred to in clauses (a) to (d).

SECTION 26. The proposed section 75a prohibits “tipping” others as to one’s intention to make a take-over bid or issuer bid before such intention is generally disclosed. It also bars those in a special relationship with the intending party from tipping others. Civil liability for tipping in similar circumstances is provided by a new section 131a.

SECTION 27.—Subsection 1. The requirement for certification of interim financial statements is deleted.

Subsection 2. The re-enactment of subsection 76 (2) clarifies that the clauses apply only to mutual funds in Ontario. The requirement for certification of interim financial statements is also deleted.

The proposed subsection 76 (3) will allow exceptions to the general rule under subsection 76 (2) which requires that interim financial statements include comparative statements.

SECTION 28. The amendments to subsections 77 (2) to (4) clarify that the subsections apply to mutual funds in Ontario.

The proposed subsection 77 (5) will allow exceptions to the general rule under subsection 77 (1) which requires the filing of comparative statements for the period referred to in clause 77 (1) (b).

SECTION 29. The proposed clause 82 (a) has the same effect as the present section 82.

The proposed clause 82 (b) permits the Commission to deem a reporting issuer to have ceased to be a reporting issuer, even though it is not eligible for relief under clause 82 (a), if no securities were distributed under the prospectus, the filing of which made it a reporting issuer.

SECTION 30. Section 85 now requires information circulars to be delivered by mail to the security holders whose proxies are solicited. The amendments will permit delivery by prepaid mail or personal delivery to the address of a security holder whose proxy is solicited or communication by a method approved by the director if delivery by mail or personal delivery is impractical.

SECTION 31.—Subsections 1, 2 and 4. The definition of “director’s circular” is considered to be redundant and is therefore repealed. The definitions of “issuer bid” and “take-over bid” are simplified by the introduction of the proposed definition of “offer to purchase”. Because of the extended definition given to “voting security” under the proposed clause 88 (1) (m), take-over bids will include offers made for securities convertible into voting securities. The take-over bid threshold level has been changed from 20 per cent of the currently outstanding voting securities to 10 per cent of the voting rights attaching to the voting securities that would be outstanding on a fully diluted basis.

Subsection 3. The amendment clarifies, in the case of an issuer bid, that an “offeree” means a person whose latest address, as shown on the books of the issuer, is in Ontario.

Subsection 5. The amendment defines “voting security” for the purpose of Part XIX as including securities convertible into voting securities.

SECTION 32. Subsection 89 (1) sets out certain conditions that apply to issuer bids and take-over bids. Paragraph 10 now applies only to take-over bids. Under the proposed re-enactment, the condition set out in paragraph 10 will also apply to both issuer bids and take-over bids.

The amendment to paragraph 11 and clause (b) of paragraph 12 clarifies that the reference to “the company” is a reference to “the offeree company”.

The proposed clause (d) of paragraph 12 provides that an offeror will be able to make it a condition of his offer that he has the right not to take up and pay for deposited securities if it is contrary to law to do so.

The proposed paragraph 15 of subsection 89 (1) and the proposed subsection 89 (4) will permit communications to be made by mail, personal delivery or in a manner approved by the Director.

SECTION 33. The amendment clarifies that subsection 90 (1) applies to all securities and not just to shares.

SECTION 34. A follow-up offer, where a take-over bid has been effected under the private-agreement exemption at a premium, will not be required if the offeror holds less than 20 per cent of the voting securities of the offeree company after effecting the take-over bid.

SECTION 35. The repeal of section 92 is complementary to the enactment of paragraph 15 of subsection 89 (1) and the enactment of subsection 89 (5).

SECTION 36. The amendment clarifies that the section applies to issuer bids.

SECTION 37. The re-enactment of subsection 96 (5) clarifies when the board of directors must advise offerees of its recommendation respecting acceptance or rejection of an offer. The repeal of subsection 96 (6) is complementary to the enactment of paragraph 15 of subsection 89 (1) and the enactment of subsection 89 (5).

SECTION 38. The proposed section 96a requires the sending of an amendment to a directors’ or director’s or officer’s circular where a significant change has occurred in the information contained in the circular.

SECTION 39. At present sections 97 and 98 apply only to take-over bid circulars, issuer bid circulars and directors’ circulars.

The re-enactment of section 97 extends the application of that section to require that,

- (a) a notice of change or variation to a take-over bid circular and an amendment to a directors’ circular must be approved and the delivery thereof authorized in a similar manner as the take-over bid circular or directors’ circular;
- (b) the contents of a recommendation or a decision not be made a recommendation as to acceptance or reject a take-over bid communicated subsequently to a directors’ circular must be approved by the directors; and

- (c) a directors' circular or a directors' recommendation or decision not be made a recommendation contain a statement that the contents have been approved and delivery authorized by the directors.

The re-enactment of section 98 requires that any notice of change or variation to an issuer bid circular must be approved and the delivery thereof authorized in a similar manner as the issuer bid circular and also require that an issuer bid circular contain a statement that the contents thereof have been approved and delivery authorized by the directors of the issuer.

SECTION 40. The re-enactment of clause 101 (2) (b) is complementary to the proposed section 103a and has the effect of requiring insider reporting with respect to transactions in all options.

SECTION 41. The proposed re-enactment of section 102 accelerates the periods within which initial insider reports must be filed and within which reports of changes in holdings must be reported where the change is 1 per cent or greater.

Section 103 now requires a person or company that acquires 20 per cent of the voting securities of a reporting issuer through a take-over bid or issuer bid that is exempted from Part XIX of the Act by subsection 88 (2) or (3) to file a report with the Commission. The re-enactment of section 103 changes the threshold requirement to the acquisition of 10 per cent of the voting rights that would be attached to all voting securities that would be outstanding on the exercise of all currently exercisable rights of conversion or acquisition relating to voting securities.

The proposed section 103a requires that where a take-over bid is outstanding, a person, other than an offeror, who acquires 2.5 per cent or more of the voting securities of the offeree company must file a report within three days of such acquisition.

SECTION 42. The re-enactment of section 116 reflects a change in the Commission's publishing schedule for its Bulletin. The Bulletin is now published on a weekly basis.

SECTION 43. The re-enactment of subsection 124 (1) extends the Commission's power to deny to any person or company the exemptions from registration given to certain classes of advisors under section 33 of the Act and the exemptions from the registration and prospectus filing requirements under the regulations.

SECTION 44. The proposed section 126a provides for civil liability if an offering memorandum or an amendment thereto contains a misrepresentation.

SECTION 45. The proposed re-enactment of subsections 127 (1) to (3) adds amendments to circulars to the documents that are subject to the civil liability provision. The amendment also extends liability for misrepresentation in a directors' circular or in an amendment to such circular to every person who was a director at the time the circular or amendment was signed.

SECTION 46. The proposed clause 131 (7) (e) has the effect of extending the liability for trading on the basis of non-disclosed inside information or for informing others of such information to a person or company who has acquired the information from a person or company referred to in clauses 131 (7) (a) to (d).

SECTION 47. The proposed section 131a is complementary to the enactment of section 75a and imposes liability for "tipping" others as to one's intention to make a take-over bid or issuer bid before such intention is generally disclosed. It also imposes like liability with respect to persons in a special relationship to the intending party.

SECTION 48. The proposed subsection 135 (2) establishes a special limitation period for commencing an action to enforce a right created under the proposed section 126*a*.

SECTION 49. The proposed subsection 138 (2*a*) extends immunity from liability to experts appointed under section 5 of the Act.

SECTION 50. The proposed section 138*a* clarifies the application of the Act to the Crown.

SECTION 51. The proposed paragraph 8*b* is complementary to the re-enactment of section 41.

SECTION 52. The proposed re-enactment of section 140 clarifies the power of the Commission to revoke or vary orders made by it under predecessors of the present Act and regulations.

BILL 176

1982

An Act to amend the Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subparagraphs i and iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:
 - i. any issuer of which such person or company beneficially owns, directly or indirectly, voting securities carrying more than 10 per cent of the voting rights attached to all voting securities of the issuer for the time being outstanding,
 - iv. any relative of such person, including his spouse, where the relative has the same home as such person,
 - v. any relative of the spouse of such person where the relative has the same home as such person.
- (2) Subsection 1 (1) of the said Act is amended by adding thereto the following paragraph:
 - 2a. “board of directors” where used in relation to an issuer that is not a company includes persons acting in a capacity similar to that of a board of directors of a company.
- (3) Paragraph 11 of the said subsection 1 (1) is amended,
 - (a) by repealing subparagraph v;
 - (b) by striking out “on and after the 15th day of March, 1981” in the thirty-second line; and

s. 1 (1),
par. 2,
amended

s. 1 (1),
amended

s. 1 (1),
par. 11,
amended

(c) by inserting after "(4)" in the thirty-third line "(4a)".

s. 1 (1),
par. 14,
repealed

(4) Paragraph 14 of the said subsection 1 (1) is repealed.

s. 1 (1),
amended

(5) The said subsection 1 (1) is further amended by adding thereto the following paragraph:

15a. "government incentive security" means a security of a type designated by the Commission for the purposes of paragraph 31 of subsection 34 (1) or clause 71 (1) (y) and designed to enable the holder thereof to receive a grant or other monetary benefit, such as a right to a credit against taxes or a deduction in the determination of income for tax purposes, pursuant to provisions of a statute or a regulation of Canada or Ontario or another province or territory of Canada.

s. 1 (1),
par. 16,
amended

(6) Paragraph 16 of the said subsection 1 (1) is amended by striking out "personal" in the sixth line.

s. 1 (1),
amended

(7) The said subsection 1 (1) is further amended by adding thereto the following paragraph:

26a. "offering memorandum" means a document purporting to set forth information concerning the business and affairs of an issuer that has been prepared primarily for delivery to and review by prospective purchasers so as to assist those purchasers to make an investment decision in respect of securities being sold in a distribution to which section 52 or 61 would apply but for the availability of one or more of the exemptions contained in clause 71 (1) (c), (d), (p) or (y) but does not include,

- i. a document setting out current information about an issuer for the benefit of prospective purchasers familiar with the issuer through prior investment or business contacts except where an exemption under clause 71 (1) (d) or (y) is being relied upon, or
- ii. an annual report, interim report, information circular, take-over bid circular, issuer bid circular, prospectus or other such document, the content of which is prescribed by statute or regulation.

s. 1 (1),
par. 31,
amended

(8) Subparagraph ii of paragraph 31 of the said subsection 1 (1) is repealed and the following substituted therefor:

- ii. the number of its shareholders, exclusive of persons who are in its employment or the employment of an affiliate and exclusive of persons who, having been formerly in the employment of the company or the employment of an affiliate, were, while in that employment, and have continued after termination of that employment to be, shareholders of the company, is limited to not more than fifty, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder, and

.

- (9) Subparagraph ii of paragraph 32 of the said subsection 1 (1), exclusive of clauses (b) and (c), is repealed and the following substituted therefor: s. 1 (1),
par. 32,
amended

- ii. administered by a trust company registered under the *Loan and Trust Corporations Act* and has no promoter other than one or more of such trust companies or one or more affiliates of such a trust company and has no manager other than one or more of such trust companies, one or more of such affiliates or a person or company who is a portfolio manager or but for the applicability of an exemption under this Act or the regulations would be obliged to be registered as a portfolio manager and consists of, R.S.O. 1980,
c. 249

- (a) a pooled fund maintained solely to serve retirement savings plans, home ownership savings plans, retirement income funds, deferred profit sharing plans, pension plans, or other such plans registered under the *Income Tax Act* (Canada); R.S.C. 1952,
c. 148

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- (10) Subparagraph iv of paragraph 38 of the said subsection 1 (1) is repealed and the following substituted therefor: s. 1 (1),
par. 38,
amended

- iv. to which the *Business Corporations Act* applies or applied at any time after the 8th day of December, 1980 and which, for the purposes of that Act, is or was, as the case may be, offering R.S.O. 1980,
c. 54

its securities to the public so long as any of those securities in respect of which a prospectus, statement of material facts or securities exchange take-over bid circular has been filed under this Act, or any predecessor of this Act, or in respect of which a prospectus had been filed under *The Corporations Information Act*, being chapter 72 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, are outstanding or any securities into which such securities are converted are outstanding, or

s. 1 (2-5),
re-enacted

- (11) Subsections 1 (2), (3), (4) and (5) of the said Act are repealed and the following substituted therefor:

Deemed
affiliate

(2) An issuer shall be deemed to be an affiliate of another issuer if one of them is the subsidiary of the other or if both are subsidiaries of the same issuer or if each of them is controlled by the same person or company.

Deemed
control

(3) An issuer shall be deemed to be controlled by a person or company or by two or more persons or companies if,

- (a) voting securities of the issuer carrying more than 50 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the person or company or by or for the benefit of the persons or companies; and
- (b) the votes carried by such securities are entitled, if exercised, to elect a majority of the board of directors of the issuer.

Deemed
subsidiary

(4) An issuer shall be deemed to be a subsidiary of another issuer if,

- (a) it is controlled by,
 - (i) that other, or
 - (ii) that other and one or more issuers each of which is controlled by that other, or
 - (iii) two or more issuers each of which is controlled by that other; or
- (b) it is a subsidiary of an issuer that is that other's subsidiary.

(5) A person shall be deemed to own beneficially securities Deemed beneficial ownership
beneficially owned by an issuer controlled by him or by an
affiliate of such issuer.

2. Subsections 2 (2) and (3) of the said Act are repealed and the s. 2 (2, 3), re-enacted
following substituted therefor:

(2) The Commission shall be composed of a Chairman and not Appointments
more than ten or less than eight other members, appointed by the
Lieutenant Governor in Council, one of whom may be desig-
nated as Deputy Chairman and two of whom may be designated
as Vice-Chairmen.

(3) Two members of the Commission constitute a quorum and Quorum
the Commission has and shall be deemed always to have had the
authority to sit in two or more panels simultaneously so long as a
quorum of the Commission is present on each panel.

3. Subsection 3 (2) of the said Act is amended by striking out “Vice- s. 3 (2), amended
Chairman” in the first line and inserting in lieu thereof “the
Deputy Chairman, a Vice-Chairman”.

4. Subsection 5 (2) of the said Act is repealed and the following sub- s. 5 (2), re-enacted
stituted therefor:

(2) The Commission may submit any agreement, prospectus, Submission to experts
financial statement, report or other document to one or more
experts appointed under subsection (1) for examination, and the
Commission has the like power to summon and enforce the
attendance of witnesses before the expert and to compel them to
produce documents, records and things as is vested in a person
appointed to make an investigation under section 11 and subsec-
tions 11 (3) and (4) apply with necessary modifications.

- 5.—(1) Clause 11 (1) (b) of the said Act is amended by striking out s. 11 (1) (b), amended
“trade in” the second line and inserting in lieu thereof “trans-
action relating to”.

(2) Clause 11 (3) (b) of the said Act is amended by striking out s. 11 (3) (b), amended
“stock” in the tenth line and in the twelfth line and inserting
in lieu thereof in each instance “securities”.

6. Section 13 of the said Act is amended by adding thereto the fol- s. 13, amended
lowing subsection:

(2) A person giving evidence at an investigation made under Counsel
subsection (1) may be represented by counsel.

- 7.—(1) Clause 16 (1) (b) of the said Act is repealed and the following s. 16 (1) (b), re-enacted
substituted therefor:

- (b) where it is about to make or has made an order under section 123 that trading in respect of any securities by any person or company shall cease.

s. 16 (1),
amended

- (2) Subsection 16 (1) of the said Act is amended,

- (a) by striking out “or securities” in the twenty-second line, in the twenty-third line, in the twenty-fifth line and in the twenty-seventh line and inserting in lieu thereof in each instance “securities or other property”; and

- (b) by striking out “or security” in the thirty-third and thirty-fourth lines and inserting in lieu thereof “security or other property”.

s. 16 (2),
amended

- (3) Subsection 16 (2) of the said Act is amended by striking out “or securities” in the third line and inserting in lieu thereof “securities or other property”.

s. 16 (3),
amended

- (4) Subsection 16 (3) of the said Act is amended by striking out “or security” in the fifth line and inserting in lieu thereof “security or other property”.

s. 18a.,
enacted

- 8.** Part VIII of the said Act is amended by adding thereto the following section:

Self-regulating
associations
and
organizations

18a.—(1) Upon the application of an association or organization representing registrants, the Commission may in writing recognize the applicant as a self-regulatory body where it is satisfied that to do so would be in the public interest and that the applicant has satisfied or can satisfy all conditions with respect to self-regulatory bodies prescribed under the regulations and the recognition shall be subject to such terms and conditions as the Commission may impose.

Idem

(2) An applicant under subsection (1) need not be incorporated.

Idem

(3) A self-regulatory body recognized under subsection (1) shall, subject to this Act and the regulations and any decision made by the Commission, regulate the standards and business conduct of its members.

Commission's
powers

(4) The Commission may, where it appears to it to be in the public interest, make any decision,

- (a) with respect to any by-law, rule or regulation of a self-regulatory body recognized under subsection (1);

- (b) with respect to any direction, decision, order or ruling made under any by-law, rule or regulation of a self-regulatory body recognized under subsection (1); or
- (c) with respect to any practice of a self-regulatory body recognized under subsection (1).

(5) Any person or company directly affected by any direction, decision, order or ruling made under any by-law, rule or regulation or a self-regulatory body recognized under subsection (1) may apply to the Commission for a hearing and review thereof and section 8 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director.

Review of
decisions of
association or
organization

9. Section 19 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

s. 19,
amended

19. Every stock exchange in Ontario recognized by the Commission under section 22 and, where the Commission determines that it is appropriate, every self-regulatory body recognized by the Commission under section 18a,

Panel of
auditors

10. Section 20 of the said Act is repealed and the following substituted therefor:

s. 20,
re-enacted

20.—(1) Every stock exchange in Ontario recognized by the Commission under section 22 and, where the Commission determines that it is appropriate, every self-regulatory body recognized by the Commission under section 18a, shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under clause 19 (a) and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, association, district association or association auditor, as the case may be.

Audits

(2) The by-laws, rules and regulations of every stock exchange in Ontario recognized by the Commission under section 22 and the by-laws, rules and regulations of every self-regulatory body recognized by the Commission under section 18a in respect of the practice and procedure of the examinations under subsection (1) are subject to the approval of the Commission and the actual conduct of the examinations shall be satisfactory to the Commission.

Audit
by-laws

s. 33,
amended

- 11.** Section 33 of the said Act is amended by striking out “their principal business or occupation” in the twenty-third line and inserting in lieu thereof “the person’s or company’s principal business or occupation as described in clauses (a) to (d)”.

s. 34 (1),
par. 1,
amended

- 12.—**(1) Paragraph 1 of subsection 34 (1) of the said Act is amended by inserting after “(Canada)” in the seventh line “or by a sheriff under the *Execution Act*”.

s. 34 (1),
par. 3,
amended

- (2) Subparagraphs iv and v of paragraph 3 of the said subsection 34 (1) are repealed and the following substituted therefor:

- iv. a subsidiary of any of the parties referred to in subparagraph i, ii or iii where the bank, loan corporation, trust company or insurance company, as the case may be, owns beneficially all of the voting securities of such subsidiary,
- v. Her Majesty in right of Canada or any province or territory of Canada, or
- vi. any municipal corporation or public board or commission in Canada.

s. 34 (1),
par. 5,
re-enacted

- (3) Paragraph 5 of the said subsection 34 (1) is repealed and the following substituted therefor:

5. A trade where the purchaser purchases as principal if the trade is in a security which has an aggregate acquisition cost to such purchaser of not less than \$97,000 but this exemption is not available if the seller is,

- i. the issuer or an affiliate of the issuer,
- ii. a person, company or combination of persons or companies having the relationship to the issuer described in subparagraph iii of paragraph 11 of subsection 1 (1), or
- iii. an underwriter who, acting as underwriter, acquired the securities from a person or company described in subparagraph i or ii,

unless an offering memorandum is sent by prepaid mail or delivered by the seller or a person or company acting on behalf of the seller to the purchaser before an agreement of purchase and sale is entered into with such purchaser.

- (4) Paragraph 10 of the said subsection 34 (1) is amended by adding at the end thereof “or by a person or company with a registered dealer who is acting as principal”. s. 34 (1),
par. 10,
amended
- (5) The said subsection 34 (1) is amended by adding thereto the following paragraph: s. 34 (1),
amended
- 11a. A trade in a bond or debenture by way of an unsolicited order given to a bank to which the *Bank Act* (Canada) applies or to a trust company registered under the *Loan and Trust Corporations Act* if the bank or trust company is acting as principal and the bond or debenture is acquired by the bank or trust company for purposes of the trade from, or sold by the bank or trust company following the trade to, a registered dealer. 1980-81,
c. 40 (Can.)
R.S.O. 1980,
c. 249
- (6) Subparagraph ii of paragraph 12 of the said subsection 34 (1) is amended by inserting after “reorganization” in the third and fourth lines “dissolution”. s. 34 (1),
par. 12,
amended
- (7) Subparagraph ii of paragraph 15 of the said subsection 34 (1) is repealed and the following substituted therefor: s. 34 (1),
par. 15,
amended
- ii. a statutory procedure under which one company takes title to the assets of another company which in turn loses its existence by operation of law, or under which one company merges with one or more other companies.
- (8) Paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor: s. 34 (1),
par. 21,
re-enacted
21. A trade made by an issuer with a view to the sale of securities of its own issue if solicitations, in all jurisdictions including Ontario, are made to not more than fifty prospective purchasers resulting in sales to not more than twenty-five purchasers in all jurisdictions including Ontario and,
- i. each purchaser purchases as principal, and all of the purchases are completed within a period of six months of the first purchase, except that subsequent sales to the same purchasers may be carried out if made in compliance with written agreements entered into during that six-month period,
- ii. each purchaser has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is,

- A. an investor who, by virtue of his net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him by the issuer; or
 - B. a senior officer or director of the issuer or of an affiliate of the issuer or a spouse, parent, brother, sister or child of any such director or officer,
- iii. the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer, and
 - iv. no promoter of the issuer, other than a registered dealer, has acted as a promoter of any other issuer which has traded in securities of its own issue pursuant to the exemption in this paragraph within the previous twelve months,

but an issuer which has relied upon this exemption may not again thereafter rely upon this exemption.

s. 34 (1),
par. 23,
re-enacted

- (9) Paragraph 23 of the said subsection 34 (1) is repealed and the following substituted therefor:

- 23. A trade in a security of an issuer where each of the parties to the trade is a person or company who is, as regards such issuer, a person or company referred to in subparagraph iii of paragraph 11 of subsection 1 (1).
- 24. A trade by an issuer in securities of its own issue with a promoter of the issuer or by a promoter of the issuer in securities of the issuer with another promoter of the issuer.
- 25. A trade in securities of an issuer previously disposed of by the issuer pursuant to the exemption in paragraph 21 or 30 where each of the parties to the trade is one of the not more than twenty-five purchasers referred to in

paragraph 21 or one of the not more than fifty purchasers referred to in paragraph 30.

26. A trade by an issuer of equity securities pursuant to a plan made available by that issuer to all holders of a class of publicly traded securities of the issuer the last address of whom as shown in the books of the issuer is in Ontario, which plan permits the holder to direct that dividends or interest, paid in respect of securities of the issuer's own issue be applied to the purchase from the issuer of equity securities of the issuer's own issue of a class that is publicly traded or any other securities of the issuer which are redeemable at the option of the holder but if the plan is intended to cover a period of more than one year, it shall be a requirement of the plan that notice of the right to withdraw from participation in the plan is mailed or delivered to the holder at least annually.
27. A trade made by an offeree described in clause 88 (1) (f) in securities which are being disposed of to a person or company making a take-over bid or issuer bid.
28. A trade made through the facilities of a stock exchange recognized by the Commission for the purposes of this paragraph, where,
 - i. the trade is effected in whole or part by means of telephone or other telecommunications equipment linking the facilities of that stock exchange with the facilities of another stock exchange recognized by the Commission for the purposes of this paragraph,
 - ii. the trade is made in a security of a class or type designated by the Commission as exempt for the purposes of this paragraph, and
 - iii. each of the parties to the trade is registered as a dealer, or in a similar capacity, under the securities legislation of a province or territory of Canada.
29. A trade by a trust company registered under the *Loan and Trust Corporations Act* where the trade is made through its offices in the securities of a mutual fund promoted, managed and administered by such trust company provided no sales or other acquisition charges are levied.

30. A trade made by a promoter of an issuer or by an issuer in a government incentive security of the issuer's own issue, if solicitations, in all jurisdictions including Ontario, are made to not more than seventy-five prospective purchasers resulting in sales to not more than fifty purchasers in all jurisdictions including Ontario and,
 - i. each purchaser to whom securities are sold in reliance on this exemption has been supplied with information identifying every officer and director of the issuer and every promoter thereof and giving the particulars of such of their professional qualifications and associations during the immediately preceding five years as are relevant to the undertaking being financed and indicating which of the directors will be devoting his full time to the affairs of the issuer,
 - ii. each purchaser has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is,
 - A. an investor who, by virtue of his net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him by the issuer; or
 - B. a senior officer or director of the issuer or of an affiliate of the issuer or a spouse, parent, brother, sister or child of any such director or officer,
 - iii. the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer, and
 - iv. each purchaser to whom securities are sold in reliance on this exemption is furnished with an offering memorandum before an agreement of

purchase and sale is entered into with such purchaser.

31. A trade in respect of which the regulations provide that registration is not required.

(10) Clause (c) of paragraph 1 of subsection 34 (2) of the said Act is repealed and the following substituted therefor: s. 34 (2),
par. 1 (c),
re-enacted

(c) of or guaranteed by a bank to which the *Bank Act* (Canada) applies, a trust company or loan corporation registered under the *Loan and Trust Corporations Act* or an insurance company licensed under the *Insurance Act*, other than bonds, debentures or other evidences of indebtedness which are subordinate in right of payment to deposits held by the issuer or guarantor of such bonds, debentures or other evidences of indebtedness. 1980-81,
c. 40 (Can.),

R.S.O. 1980,
cc. 249, 218

(11) The said subsection 34 (2) is amended by adding thereto the following paragraph: s. 34 (2),
amended

14a. Variable insurance contracts issued by a company licensed under the *Insurance Act* if the variable insurance contract is,

- i. a contract of group insurance,
- ii. a whole life insurance contract providing for the payment at maturity of an amount not less than three-quarters of the premium paid up to the age of seventy-five for a benefit payable at maturity,
- iii. an arrangement for the investment of policy dividends and policy proceeds in a separate and distinct fund to which contributions are made only from policy dividends and policy proceeds, or
- iv. a variable life annuity.

(12) Subsection 34 (3) of the said Act is repealed and the following substituted therefor: s. 34 (3),
re-enacted

(3) For the purposes of subsection (1), Deemed
principal

(a) a trust company registered under the *Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee or as agent for accounts fully managed by it;

- (b) a portfolio manager or a person or company who but for the applicability of an exemption under this Act or the regulations would be obliged to be registered as a portfolio manager shall be deemed to be acting as principal when it trades as agent for accounts fully managed by it.

Interpre-
tation

R.S.O. 1980,
c. 218

(4) For the purpose of subsection (2), “contract”, “life insurance” and “policy” have the same meaning as in section 1 of the *Insurance Act* and “group insurance” has the same meaning as in section 148 of that Act.

s. 35 (6),
re-enacted

- 13.** Subsection 35 (6) of the said Act is repealed and the following substituted therefor:

Disclosure
by agent

(6) Every dealer who has acted as agent in connection with any trade in a security shall promptly disclose to the Commission, upon request by the Commission, the name of, and, to the extent of his knowledge after having made due inquiry, sufficient further particulars to identify the person or company from or to or through whom the security was bought or sold.

s. 38 (2),
re-enacted

- 14.** Subsection 38 (2) of the said Act is repealed and the following substituted therefor:

Effect of
statement

(2) A statement made in compliance with this section or clause 35 (1) (c) that a registered dealer proposes to act or has acted as principal in connection with a trade in a security does not prevent such registered dealer from acting as agent in connection with a trade of such security.

s. 41,
re-enacted

- 15.** Section 41 of the said Act is repealed and the following substituted therefor:

Statement of
financial
condition,
directors'
names, etc.

41. Every registered dealer shall, on the request of a customer, provide to the customer a copy of the most recently prepared annual statement of the dealer's financial condition, as filed with the Commission or with the self-regulatory organization of which it is a member, made up and certified as required by the regulations together with a list of the names of the partners or directors and senior officers of the dealer made up and certified as of a date not more than thirty days prior to the request and shall inform its customers on every statement of account or in such other manner as the Commission may approve that this information is available but where the Commission determines that a registered dealer or a class of registered dealers is subject to conditions of registration or to regulations imposed by a self-regulatory organization that require provision to customers in the same or some other manner of other appropriate information, the Commission may, subject to such terms and

conditions as the Commission may impose, exempt the registered dealer or class of registered dealers from the requirements of this section.

- 16.** Subsection 48 (2) of the said Act is repealed and the following substituted therefor: s. 48 (2),
re-enacted

(2) Forthwith after receipt of a copy of a notice of a meeting of security holders of an issuer or of a take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular or other similar and relevant material, the registrant or custodian shall, where the name and address of the beneficial owner of securities registered in the name of the registrant or custodian are known, send or delivered to each beneficial owner of such security as registered at the record date for notice of meeting or at the date of the take-over bid or issuer bid a copy of any notice, financial statement, information circular, take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular or other similar and relevant material but the registrant or custodian is not required to send or deliver such material unless the issuer or other sender of the material or the beneficial owner of such securities has agreed to pay the reasonable costs to be incurred by the registrant or custodian in so doing. Forwarding of
information

- 17.** Section 51 of the said Act is repealed. s. 51,
repealed

- 18.** Subsection 52 (1) of the said Act is repealed and the following substituted therefor: s. 52 (1),
re-enacted

(1) No person or company shall trade in a security on his own account or on behalf of any other person or company where such trade would be a distribution of such security unless a preliminary prospectus and a prospectus have been filed and receipts therefor obtained from the Director. Prospectus
required

- 19.** Section 59 of the said Act is repealed and the following substituted therefor: s. 59,
re-enacted

59.—(1) Every prospectus, except a prospectus filed under subsection 52 (2), shall contain a statement of, Required
statements

(a) the rights given to a purchaser by sections 70 and 126; and

(b) the limits on the time within which an action to enforce a right under section 126 must be brought.

(2) In addition to the requirements of subsection (1), every prospectus of a mutual fund in Ontario shall contain a statement of the rights given to a purchaser by section 134. Idem

- Idem
- (3) Every offering memorandum shall contain a statement of,
- (a) the rights given to a purchaser by section 126*a* and a statement that such rights are in addition to any other right or remedy available at law to the purchaser; and
 - (b) the limits on the time within which an action to enforce a right under section 126*a* must be commenced.
- s. 62 (7),
amended
- 20.** Subsection 62 (7) of the said Act is amended by striking out “or distribution to the public” in the first line.
- s. 69 (1),
amended
- 21.** Subsection 69 (1) of the said Act is amended by striking out “this Part” in the second line and inserting in lieu thereof “Part XIV”.
- s. 71 (1) (a),
(iv, v),
re-enacted
- 22.**—(1) Subclauses 71 (1) (a) (iv) and (v) of the said Act are repealed and the following substituted therefor:
- (iv) a subsidiary of any of the persons or companies referred to in subclause (i), (ii) or (iii) where the bank, loan corporation, trust company or insurance company, as the case may be, owns beneficially all of the voting securities of such subsidiary,
 - (v) Her Majesty in right of Canada or any province or territory of Canada, or
 - (vi) any municipal corporation or public board or commission in Canada,
-
- s. 71 (1) (d),
re-enacted
- (2) Clause 71 (1) (d) of the said Act is repealed and the following substituted therefor:
- (d) the purchaser purchases as principal, if the trade is in a security which has an aggregate acquisition cost to such purchaser of not less than \$97,000 but this exemption is not available if the seller is,
 - (i) the issuer or an affiliate of the issuer,
 - (ii) a person, company or combination of persons or companies having the relationship to the issuer described in subparagraph iii of paragraph 11 of subsection 1 (1), or
 - (iii) an underwriter who, acting as underwriter, acquired the securities from a person or company described in subclause (i) or (ii),

unless an offering memorandum is sent by prepaid mail or delivered by the seller or a person or company acting on behalf of the seller to the purchaser before an agreement of purchase and sale is entered into with such purchaser.

- (3) Subclause 71 (1) (*f*) (ii) of the said Act is amended by inserting after “reorganization” in the third and fourth lines “dissolution”. s. 71 (1) (*f*) (ii), amended
- (4) Subclause 71 (1) (*i*) (ii) of the said Act is repealed and the following substituted therefor: s. 71 (1) (*i*) (ii), re-enacted
 - (ii) a statutory procedure under which one company takes title to the assets of another company which in turn loses its existence by operation of law, or under which one company merges with one or more other companies.
- (5) Clause 71 (1) (*p*) of the said Act is repealed and the following substituted therefor: s. 71 (1) (*p*), re-enacted
 - (*p*) the trade is made by an issuer with a view to the sale of securities of its own issue if solicitations, in all jurisdictions including Ontario, are made to not more than fifty prospective purchasers resulting in sales to not more than twenty-five purchasers in all jurisdictions including Ontario and,
 - (i) each purchaser purchases as principal, and all of the purchases are completed within a period of six months of the first purchase except that subsequent sales to the same purchasers may be carried out if made in compliance with written agreements entered into during that six-month period,
 - (ii) each purchaser has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is,
 - (A) an investor who, by virtue of his net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on

the basis of information respecting the investment presented to him by the issuer, or

(B) a senior officer or director of the issuer or of an affiliate of the issuer or a spouse, parent, brother, sister or child of any such director or officer,

(iii) the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer, and

(iv) no promoter of the issuer, other than a registered dealer, has acted as a promoter of any other issuer which has traded in securities of its own issue pursuant to the exemption in this clause within the previous twelve months,

but an issuer which has relied upon this exemption may not again thereafter rely upon this exemption.

s. 71 (1),
amended

(6) Subsection 71 (1) of the said Act is amended by striking out "or" at the end of clause (r) and by adding thereto the following clauses:

(t) the trade is made in a security of an issuer where each of the parties to the trade is a person or company who is, as regards such issuer, a person or company referred to in subparagraph iii of paragraph 11 of subsection 1 (1);

(u) the trade is made by an issuer in securities of its own issue with a promoter of the issuer or by a promoter of an issuer in securities of the issuer with another promoter of the issuer;

(v) the trade is made in securities of an issuer previously disposed of by the issuer pursuant to the exemption in clause (p) or (y) where each of the parties to the trade is one of the not more than twenty-five purchasers referred to in clause (p) or one of the not more than fifty purchasers referred to in clause (y);

(w) the trade is made by an issuer of equity securities pursuant to a plan made available by that issuer to all holders of a class of publicly traded securities of the

issuer the last address of whom as shown on the books of the issuer is in Ontario, which plan permits the holder to direct that dividends or interest paid in respect of securities of the issuer's own issue be applied to the purchase from the issuer of equity securities of the issuer's own issue of a class that is publicly traded or any other securities of the issuer which are redeemable at the option of the holder but if the plan is intended to cover a period of more than one year it shall be a requirement of the plan that notice of the right to withdraw from participation in the plan is mailed or delivered to the holder at least annually;

- (x) the trade is made by an offeree described in clause 88 (1) (f) in securities which are being disposed of to a person or company making a take-over bid or issuer bid; or
- (y) the trade is made by a promoter of an issuer or by an issuer in a government incentive security of the issuer's own issue, if solicitations, in all jurisdictions including Ontario, are made to not more than seventy-five prospective purchasers resulting in sales to not more than fifty purchasers in all jurisdictions including Ontario and,
 - (i) each purchaser to whom securities are sold in reliance on this exemption has been supplied information identifying every officer and director of the issuer and every promoter thereof and giving the particulars of such of their professional qualifications and associations during the immediately preceding five years as are relevant to the undertaking being financed and indicating which of the directors will be devoting his full time to the affairs of the issuer,
 - (ii) each purchaser has access to substantially the same information concerning the issuer that a prospectus filed under this Act would provide and is,
 - (A) an investor who, by virtue of his net worth and investment experience or by virtue of consultation with or advice from a person or company who is not a promoter of the issuer whose securities are being offered and who is a registered adviser or a registered dealer, is able to evaluate the prospective investment on the basis of information respecting the

investment presented to him by the issuer, or

(B) a senior officer or director of the issuer or of an affiliate or director of the issuer or of an affiliate of the issuer or a spouse, parent, brother, sister or child of any such director or officer,

(iii) the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer, and

(iv) each purchaser to whom securities are sold in reliance on this exemption is furnished with an offering memorandum before an agreement of purchase and sale is entered into with such purchaser.

s. 71 (2),
re-enacted

(7) Subsection 71 (2) of the said Act is repealed and the following substituted therefor:

Deemed
principal

(2) For the purpose of subsection (1),

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c. 249

(a) a trust company registered under the *Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee or as agent for accounts fully managed by it; and

(b) a portfolio manager or a person or company who but for the applicability of an exemption under this Act or the regulations would be obliged to be registered as a portfolio manager shall be deemed to be acting as principal when it trades as agent for accounts fully managed by it.

Delivery of
offering
memorandum

(2a) Two copies of an offering memorandum that is required to be furnished to a purchaser under clause (1) (d) or (y) and two copies of any offering memorandum that is sent or delivered to a purchaser under clause (1) (c) or (p) shall be delivered to the Commission concurrently with or before the date upon which a report referred to in subsection (3) of the Act is filed with the Commission.

s. 71 (3),
amended

(8) Subsection 71 (3) of the said Act is amended by striking out “(p) or (q)” in the second line and inserting in lieu thereof “(m), (p), (q), (v) or (y)”.

- (9) Subsections 71 (4), (5) and (6) of the said Act are repealed and the following substituted therefor: s. 71 (4-6),
re-enacted

(4) The first trade in securities previously acquired by the vendor pursuant to a distribution exempted from sections 52 and 61 by clause (1) (a), (b), (c), (d), (l), (m), (p), (q), (v) or (y) is a distribution unless, First trade
deemed
distribution

- (a) the issuer of the securities is a reporting issuer and is not in default of any requirement of this Act or the regulations;
- (b) the securities have been held for the applicable hold period from the date of the initial exempt trade or the date the issuer became a reporting issuer whichever is later;
- (c) the vendor files a report within ten days prepared and executed in accordance with the regulations;
- (d) such first trade is not a distribution as defined in subparagraph iii of paragraph 11 of subsection 1 (1); and
- (e) no effort is made to prepare the market or to create a demand for such securities and no extraordinary commission or consideration is paid in respect of such trade.

(4a) The first trade in securities previously acquired by the vendor pursuant to a distribution exempted from sections 51 and 62 by subclause (1) (f) (iii), where the right to purchase, convert or exchange was previously acquired in connection with a distribution exempted by clause (1) (a), (b), (c), (d), (l), (m), (p), (q), (v) or (y) is a distribution unless, Idem

- (a) the issuer of the securities is a reporting issuer and is not in default of any requirement of this Act or the regulations;
- (b) the applicable hold period has elapsed from the date of the trade exempted by clause (1) (a), (b), (c), (d), (l), (m), (p), (q), (v) or (y) or the date the issuer became a reporting issuer whichever is later;
- (c) the vendor files a report within ten days of the trade prepared and executed in accordance with the regulations;
- (d) when the securities were acquired under subclause (1) (f) (iii) by the vendor, the number or, in the case of debt securities, principal amount, of securities of that

class or kind beneficially owned by, and that number or principal amount of such securities that would be issued or transferred on the exercise of all currently exercisable rights of purchase, conversion or exchange to, the vendor and all vendor-related parties exceeded, in aggregate 5 per cent of the total number or, in the case of debt securities, principal amount, of the outstanding securities of that class or kind, such securities have been held by the vendor for at least sixty days following the date upon which the vendor filed with the Commission, the issuer of the securities and each stock exchange upon which there was then listed and posted securities of any class or kind of the issuer of the securities a notice disclosing,

- (i) the fact of the issuance or transfer of the securities under subclause (1) (f) (iii) and particulars thereof, and
- (ii) the date upon which the vendor then proposed to first make a trade in such securities pursuant to this subsection, or, if the vendor did not then propose to make such a trade, a statement to that effect;
- (e) such first trade is not a distribution as defined in subparagraph iii of paragraph 11 of subsection 1 (1); and
- (f) no effort is made to prepare the market or create a demand for such securities and no extraordinary commission or consideration is paid in respect of such trade.

Idem

(5) Subject to subsections (5a) and (5b), the first trade in securities previously acquired by the vendor pursuant to a distribution exempted from sections 52 and 61 by clause (1) (f) other than securities acquired under subclause (iii) thereof in the circumstances described in subsection (4a) or clause (1) (h), (i), (j), (k), (n) or (w) and the first trade in previously issued securities of a company after the company has ceased to be a private company is a distribution except that where,

- (a) the issuer of the securities is a reporting issuer and has been a reporting issuer for at least twelve months or, in the case of securities acquired under clause (1) (i), one of the amalgamating or merged companies or one of the continuing companies has been a reporting issuer for twelve months and, where a person or company in a special relationship with the reporting issuer, as defined

in section 75, is the seller, he or it has reasonable grounds to believe that the issuer is not in default of any requirement of the Act or the regulations;

- (b) disclosure to the Commission has been made of its exempt distribution or in the case of a company that has ceased to be a private company the issuer has filed with the Commission such report with respect to its outstanding securities as may be required by the regulations; and
- (c) no effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or consideration is paid in respect of the trade,

then such first trade is a distribution only if it is a distribution as defined in subparagraph iii of paragraph 11 of subsection 1 (1).

(5a) Notwithstanding subsection (5), the first trade in securities previously acquired by the vendor pursuant to a distribution exempted from sections 52 and 61 by subclause (1) (f) (iii) where, in respect to the right to purchase, convert or exchange, a prospectus was filed by the issuer and a receipt obtained therefor is not a distribution if, ^{Idem}

- (a) the securities are listed and posted on a stock exchange recognized for this purpose by the Commission;
- (b) when the securities were acquired under subclause (1) (f) (iii) by the vendor, the number or, in the case of debt securities, principal amount, of securities of that class or kind beneficially owned by, and that number or principal amount of such securities that would be issued or transferred on the exercise of all currently exercisable rights of purchase, conversion or exchange to, the vendor and all vendor-related parties exceeded in aggregate, 5 per cent of the total number or, in the case of debt securities, principal amount, of the outstanding securities of that class or kind, such securities have been held by the vendor for at least sixty days following the date upon which the vendor filed with the Commission, the issuer of the securities, and each stock exchange upon which there was then listed and posted securities of any class or kind of the issuer of the securities, a notice disclosing,
 - (i) the fact of the issuance or transfer of the securities under subclause (1) (f) (iii) and particulars thereof, and

- (ii) the date upon which the vendor then proposed to first make a trade in such securities pursuant to this subsection, or, if the vendor did not then propose to make such a trade, a statement to that effect;
- (c) such first trade is not a distribution as defined in subparagraph iii of paragraph 11 of subsection 1 (1); and
- (d) no effort is made to prepare the market or create a demand for such securities and no extraordinary commission or consideration is paid in respect of such trade.

Idem

(5b) Notwithstanding subsection (5), the first trade in securities previously acquired by the vendor pursuant to a distribution exempted from sections 52 and 61 by clause (1) (j) is not a distribution if,

- (a) when that exemption was relied upon, a securities exchange take-over bid circular in respect of the securities was filed by the offeror; and
- (b) where a person or company in a special relationship with the reporting issuer, as defined in section 75, is the seller, he or it has reasonable grounds to believe that the issuer is not in default of any requirement of the Act or the regulations.

Idem

(6) The first trade in securities previously acquired under an exemption contained in,

- (a) clause (1) (r) is a distribution;
- (b) clause (1) (o) is a distribution unless the purchaser is a promoter of the issuer;
- (c) clause (1) (u) or under the exemption in favour of a purchaser who is a promoter of the issuer contained in clause (b) of this subsection is a distribution unless the trade is made in accordance with the conditions and procedures described in clauses (7) (b) and (c).

s. 71 (7) (b, c),
re-enacted

(10) Clauses 71 (7) (b) and (c) of the said Act are repealed and the following substituted therefor:

- (b) the issuer of the security is a reporting issuer and has been a reporting issuer for at least eighteen months and is not in default of any requirement of this Act or the regulations and the seller, or, where the distribution is

for the purpose of liquidating a *bona fide* debt, the debtor, unless exempted by the regulations,

- (i) has, held the securities or that number or, in the case of debt securities, principal amount, of securities of the class to be distributed for at least six months,
- (ii) has, where he acquired the securities to be distributed pursuant to an exemption contained in clause (1) (a), (b), (c), (d), (l), (m), (p), (q), (v) or (y), held the securities for the applicable hold periods,
- (iii) has, where he acquired the securities to be distributed pursuant to the exemption under sub-clause (1) (f) (iii) and the right to purchase, convert or exchange was previously acquired in connection with a distribution exempted by clause (1) (a), (b), (c), (d), (l), (m), (p), (q), (v) or (y), held the securities until the expiration of the applicable hold period from the date of the trade exempted by clause (1) (a), (b), (c), (d), (l), (m), (p), (q), (v) or (y),
- (iv) files with the Commission and any stock exchange recognized by the Commission for this purpose on which the securities are listed at least seven days and not more than fourteen days prior to the first trade made to carry out the distribution,
 - (A) a notice of intention to sell in the form prescribed by the regulations disclosing particulars of the control position known to him, the number of securities to be sold and the method of distribution, and
 - (B) a declaration signed by each seller as at a date not more than twenty-four hours prior to its filing and prepared and executed in accordance with the regulations and certified as follows:

“The seller for whose account the securities to which this certificate relates are to be sold hereby represents that he has no knowledge of any material change which has occurred in the affairs of the issuer of the securities

which has not been generally disclosed and reported to the Commission, nor has he any knowledge of any other material adverse information in regard to the current and prospective operations of the issuer which have not been generally disclosed”,

and,

- (v) files within three days after the completion of any trades a report of the trade in the form prescribed under Part XX,

if the notice required to be filed under sub-subclause (iv) (A) and the declaration required to be filed under sub-subclause (iv) (B) is renewed and filed at the end of sixty days after the original date of filing and thereafter at the end of each twenty-eight day period so long as any of the securities specified under the original notice have not been sold or until notice has been filed that the securities so specified or any part thereof are no longer for sale; and

- (c) no effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or other consideration is paid in respect of such trade.

s. 71,
amended

- (11) Section 71 of the said Act is amended by adding thereto the following subsections:

Idem

- (7a) Notwithstanding subclauses (7) (b) (i), (ii) and (iii), where,

- (a) the number or, in the case of debt securities, the principal amount of the securities, distributed pursuant to subsection (7) by the seller, or, where the distribution is for the purpose of liquidating a *bona fide* debt, by the debtor, within the immediately preceding 365 days is 5 per cent or more of the number , or in the case of debt securities, principal amount, of that class of securities beneficially owned by the seller or the debtor, as the case may be; and

- (b) such seller or debtor, as the case may be, referred to in clause (a), has acquired any securities of the class to be distributed pursuant to an exemption contained in clause (1) (a), (b), (c), (d), (f), (h), (i), (j), (k), (l), (m), (n), (p), (q), (u), (v), (w) or (y),

no security of that class may be distributed by the seller until all securities of that class have been held for the applicable hold period from the date of the last such initial exempt trade.

(7b) For the purposes of subsection (7a), any securities issued or transferred upon the exercise by the seller or the debtor, as the case may be, of a right of purchase, conversion or exchange shall be deemed to have been held by the seller or the debtor, as the case may be, from the date upon which the securities to which such right of purchase, conversion or exchange attached were first acquired and all securities sold by the seller or the debtor, as the case may be, during the period of 365 days referred to in clause (7a) (a) shall be deemed to have comprised both the number or principal amount, as the case may be, of such securities in fact so sold by the seller or the debtor, as the case may be, and the number or principal amount of the securities which would be issued or transferred upon the exercise of a right of purchase, conversion or exchange attaching to the securities in fact sold. Idem

(7c) Subsection (7a) does not apply where the seller or debtor, as the case may be, acquired the securities of the class to be distributed pursuant to a distribution exempted under, Idem

- (a) clause (1) (f), (h), (i), (j), (k) or (w) and made *pro rata* to all holders of securities of the class to be distributed; or
- (b) clause (1) (n) and made *pro rata* to all officers and directors.

(12) In this section,

Interpretation

(a) “hold period” means,

- (i) six months, where used in relation to securities that are listed and posted for trading on a stock exchange recognized for this purpose by the Commission and that comply with the requirements of either clause 388 (1) (m) or (n) of the *Insurance Act*,
- (ii) six months, where used in relation to securities that are bonds, debentures or other evidences of indebtedness issued or guaranteed by an issuer or are preferred shares of an issuer and that comply with the requirements of clause 388 (1) (k) or (m), as the case may be, of the *Insurance Act*,
- (iii) twelve months, where used in relation to securities that are listed and posted for trading on a

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stock exchange recognized for this purpose by the Commission or are bonds, debentures or other evidences of indebtedness issued or guaranteed by the reporting issuer whose securities of any class or kind are so listed and posted, or are preferred shares of the reporting issuer whose securities of any class or kind are so listed and posted, and

- (iv) eighteen months, where used in relation to securities of a kind not described in subclause (i), (ii) or (iii);

- (b) “vendor-related parties” means the associates and affiliates of the vendor and all persons and companies with whom the vendor at the time that the securities to be traded pursuant to subsection (4*a*) or (5*a*) were acquired under subclause (1) (f) (iii) intended to act in concert in making trades in securities of any class or kind of the issuer of the securities, other than any registrant engaged on the usual terms solely for the purpose of making such trades.

s. 72,
amended

- 23.** Section 72 of the said Act is amended by adding thereto the following subsection:

Required
statements

- (3) Every statement of material facts referred to in clause (1) (b) shall contain a statement of the rights given to a purchaser by sections 70 and 126 and a statement of the limits on the time within which an action to enforce a right under section 126 must be commenced.

s. 74 (3) (b),
amended

- 24.** Clause 74 (3) (b) of the said Act is amended by striking out “persons with knowledge of the material change have” in the sixth and seventh lines and inserting in lieu thereof “any person or company with knowledge of the material change has”.

s. 75 (1) (b),
re-enacted

- 25.—**(1) Clause 75 (1) (b) of the said Act is repealed and the following substituted therefor:

- (b) inform, other than in the necessary course of business, another person or company about a fact or change that he or it knew or ought reasonably to have known was a material fact or material change and which he or it knew or ought reasonably to have known had not been generally disclosed.

s. 75 (3) (b),
amended

- (2) Clause 75 (3) (b) of the said Act is amended by striking out “a company” in the second line and inserting in lieu thereof “an issuer”.

- (3) Subsection 75 (3) of the said Act is amended by striking out “or” at the end of clause (c), by inserting “or” at the end of clause (d) and by adding thereto the following clause: s. 75 (3),
amended

- (e) the person or company has acquired knowledge of the material fact or material change from a person or company referred to in clause (a), (b), (c) or (d) and knew or ought reasonably to have known that the person or company communicating the knowledge is a person or company referred to in clause (a), (b), (c) or (d).

- 26.** The said Act is further amended by adding thereto the following section: s. 75a,
enacted

75a.—(1) No person or company that has the intention of making a take-over bid or issuer bid, other than a take-over bid effected in reliance on an exemption under clause 88 (2) (b), (d) or (e) or an issuer bid effected in reliance on an exemption under clause 88 (3) (d) or (e) shall inform, other than in the necessary course of business, another person or company about such intention which the first mentioned person or company knew or ought reasonably to have known had not been generally disclosed. Disclosure
of intention
prohibited

(2) No person or company in a special relationship with a person or company that has the intention of making a take-over bid or issuer bid, other than a take-over bid effected in reliance on an exemption under clause 88 (2) (b), (d) or (e) or an issuer bid effected in reliance on an exemption under clause 88 (3) (d) or (e), shall inform, other than in the necessary course of business, another person or company about such intention which the first mentioned person or company knew or ought reasonably to have known had not been generally disclosed. Idem

(3) For the purpose of this section, a person or company is in a special relationship with another person or company where the first mentioned person or company is, Interpre-
tation

- (a) a person or company that is an insider or an affiliate of the second mentioned person or company;
- (b) a director, officer or employee of the second mentioned person or company or of a person or company that is an insider or an affiliate of the second mentioned person or company;
- (c) a person or company that has engaged, is engaging in or proposes to engage in any business or professional activities with, or on behalf of, the second mentioned person or company and thereby has acquired knowledge of the intention to make a take-over bid or issuer bid change;

- (d) a person or company that is an associate of the second mentioned person or company or of any person or company referred to in clause (a), (b) or (c); or
- (e) a person or company that has acquired knowledge of the intention to make a take-over bid or issuer bid from a person or company referred to in clause (a), (b), (c) or (d) and knew or ought reasonably to have known that the person or company communicating the knowledge is a person or company referred to in clause (a), (b), (c) or (d).

s. 76 (1),
amended

27.—(1) Subsection 76 (1) of the said Act is amended by striking out “and certified” in the eighteenth line.

s. 76 (2),
re-enacted

(2) Subsection 76 (2) of the said Act is repealed and the following substituted therefor:

Idem

(2) Every mutual fund in Ontario shall file within sixty days of the date to which it is made up an interim financial statement,

(a) where the mutual fund in Ontario has not completed its first financial year, for the period commencing with the beginning of that year and ending six months before the date on which that year ends but, if the first financial year is less than six months in length, no interim financial statement is required to be filed; and

(b) where the mutual fund in Ontario has completed its first financial year, for the six-month period of the current financial year that commenced immediately following the last financial year, including a comparative statement to the end of the corresponding period in the last financial year,

made up as required by the regulations and in accordance with generally accepted accounting principles.

Exception

(3) Notwithstanding clause (2) (b), such interim financial statements required to be filed under that clause by a mutual fund in Ontario as are prescribed by the regulations need not include comparative statements for the corresponding period in the last financial year.

s. 77 (2),
amended

28.—(1) Subsection 77 (2) of the said Act is amended by inserting after “fund” in the third line “in Ontario”.

s. 77 (3),
amended

(2) Subsection 77 (3) of the said Act is amended by inserting after “fund” in the first line “in Ontario”.

(3) Subsection 77 (4) of the said Act is amended by inserting after “fund” in the second line and in the third line, in each case, “in Ontario”. s. 77 (4),
amended

(4) Section 77 of the said Act is amended by adding thereto the following subsection: s. 77,
amended

(5) Notwithstanding subsection (1), such financial statements required to be filed under that subsection by a mutual fund in Ontario for the period referred to in clause (1) (a) as are prescribed by the regulations need not include comparative statements for the period referred to in clause (1) (b). Exception

29. Section 82 of the said Act is repealed and the following substituted therefor: s. 82,
re-enacted

82. Upon the application of,

Relieving
orders

- (a) a reporting issuer that has fewer than fifteen security holders whose latest address as shown on the books of the reporting issuer is in Ontario; or
- (b) an issuer that is a reporting issuer by virtue of having filed a prospectus and obtained a receipt therefor under this Act but which reporting issuer has not, as at the date immediately following the lapse date of the prospectus as defined in subsection 61 (1), distributed any of the securities offered by the prospectus,

the Commission may order, subject to such terms and conditions as it may impose, that the reporting issuer shall be deemed to have ceased to be a reporting issuer where it is satisfied that to do so would not be prejudicial to the public interest.

30.—(1) Clauses 85 (1) (a) and (b) of the said Act are repealed and the following substituted therefor: s. 85 (1) (a, b),
re-enacted

- (a) in the case of a solicitation by or on behalf of the management of a reporting issuer, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is communicated to each such security holder of the reporting issuer whose proxy is solicited;
- (b) in the case of any other solicitation, the person or company making the solicitation, concurrently with or prior thereto, communicates an information circular to each such security holder whose proxy is solicited.

(2) Section 85 of the said Act is amended by adding thereto the following subsections: s. 85,
amended

Method of
communication

(3) An information circular required to be communicated under subsection (1) shall be sent to each security holder whose proxy is solicited at his latest address as shown on the books of the reporting issuer by prepaid mail or by personal delivery to that address.

Idem

(4) Where the Commission or the Director is of the opinion that it would be impractical to communicate an information circular in the manner required by subsection (3), the Commission or the Director may authorize the communication of the information circular in such manner as it or he considers likely to bring the information circular to the attention of the security holders and an information circular when communicated in the manner so authorized shall be deemed to have been communicated to the security holders.

s. 88 (1) (c),
repealed;
s. 88 (1) (d),
re-enacted

31.—(1) Clauses 88 (1) (c) and (d) of the said Act are repealed and the following substituted therefor:

(d) “issuer bid” means an offer to purchase, an offer to redeem or an offer to acquire otherwise any or all of a class of the securities of the issuer, other than debt securities that are not convertible into equity securities made by an issuer to security holders the last address of any of whom as shown on the books of the issuer is in Ontario.

s. 88 (1),
amended

(2) Subsection 88 (1) of the said Act is amended by adding thereto the following clause:

(ea) “offer to purchase” means an offer to purchase, the acceptance by a person or company of an offer to sell or a combination of an offer to purchase and an acceptance of an offer to sell.

s. 88 (1) (f),
re-enacted

(3) Clause 88 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) “offeree” means a person or company to whom a take-over bid or an issuer bid is made and whose latest address as shown on the books of the offeree company or issuer is in Ontario.

s. 88 (1) (k),
re-enacted

(4) Clause 88 (1) (k) of the said Act is repealed and the following substituted therefor:

(k) “take-over bid” means an offer to purchase, directly or indirectly, voting securities of a company or other issuer made to security holders, the last address of any of whom as shown on the books of the offeree company

or other issuer is in Ontario, where the voting securities which are the subject of the offer to purchase, together with the offeror's presently owned securities, will carry, in the aggregate, 10 per cent or more of the voting rights attached to the voting securities of the company or other issuer that would be outstanding on the exercise of all currently exercisable rights of purchase, conversion or exchange relating to voting securities and where two or more persons or companies make offers to purchase jointly or in concert or intending to exercise jointly or in concert any voting rights attaching to the securities to be acquired, then the voting rights attaching to the securities owned by each of them shall be included in the calculation of the percentage that the voting rights attaching to the voting securities of the company or other issuer owned by each of them is of all voting rights that would be attached to all voting securities that would be outstanding on the exercise of all currently exercisable rights of purchase, conversion or exchange relating to voting securities.

- (5) The said subsection 88 (1) is further amended by adding thereto the following clause: s. 88 (1),
amended

(m) "voting security" includes,

- (i) a security currently convertible into a voting security or into another security that is convertible into a voting security,
- (ii) a currently exercisable option or right to acquire a voting security or another security that is convertible into a voting security, or
- (iii) a security carrying an option or right referred to in subclause (ii).

- 32.**—(1) Paragraph 10 of subsection 89 (1) of the said Act is repealed and the following substituted therefor: s. 89 (1),
par. 10,
re-enacted

10. Where the offeror making a take-over bid or issuer bid intends to purchase securities that are the subject of the take-over bid or issuer bid in the market, his intention shall be set out in the take-over bid circular or issuer bid circular and, where the take-over bid or issuer bid is made for less than all of the class of securities sought that are owned by offerees, the offeror shall not reduce the number of securities he is bound or willing to take up under paragraphs 8 and 9 by the number of securities purchased in the market, but those securities shall be counted in the determination of whether a con-

dition as to the minimum number of securities the offeror is bound or willing to take up has been fulfilled.

s. 89 (1),
par. 11,
amended

- (2) Paragraph 11 of the said subsection 89 (1) is amended by inserting after “the” in the second line “offeree”.

s. 89 (1),
par. 12,
amended

- (3) Paragraph 12 of the said subsection 89 (1) is amended by striking out “of the company; or” in the eighth line of clause (b) and inserting in lieu thereof “of the offeree company;” and by inserting “or” at the end of clause (c) and by adding thereto the following clause:

(d) there exists, at the time for so doing, any enforceable prohibition by virtue of a law of general application against taking up or paying for the securities deposited.

s. 89 (1),
amended

- (4) The said subsection 89 (1) is amended by adding thereto the following paragraph:

15. All communications to offerees required or permitted by this Part shall be sent to each offeree at the latest address of the offeree as shown on the books of the offeree company or, in the case of an issuer bid, as shown on the books of the offeror by prepaid mail or personal delivery to that address.

s. 89,
amended

- (5) Section 89 of the said Act is amended by adding thereto the following subsection:

Alternate
method of
communication

(4) Where the Commission or the Director is of the opinion that it would be impractical to send a communication in the manner required by paragraph 15 of subsection (1), the Commission or the Director may authorize the communication to be made in such manner as it or he considers likely to bring the communication to the attention of the offerees and a communication when made in the manner so authorized shall be deemed to have been communicated to the offerees.

s. 90 (1),
amended

- 33.** Subsection 90 (1) of the said Act is amended by striking out “shares” in the fifth line and inserting in lieu thereof “securities”.

s. 91 (1),
re-enacted

- 34.** Subsection 91 (1) of the said Act is repealed and the following substituted therefor:

Follow-up
offers

(1) Where a take-over bid is effected without compliance with section 89 in reliance on the exemption in clause 88 (2) (c) and the voting securities which were the subject of the offer to purchase,

together with the offeror's presently owned securities carry, in the aggregate 20 per cent or more of the voting rights attached to the voting securities of the company or other issuer if there is a published market in the class of securities acquired and the value of the consideration paid for any of the securities acquired exceeds the market price at the date of the relevant agreement plus reasonable brokerage fees or other commissions, the offeror shall within 180 days after the date of the first of the agreements comprising the take-over bid, offer to purchase all of the additional securities of the same class owned by security holders, the last registered address of whom is in Ontario or in a uniform act province, at and for a consideration per security at least equal in value to the greatest consideration paid under any such agreements, and that offer shall be a take-over bid for purposes of this Part.

(1a) For the purpose of calculating the percentage referred to in subsection (1), where two or more persons or companies make offers to purchase jointly or in concert or intending to exercise jointly or in concert any voting rights attaching to the securities to be acquired, then the voting rights attaching to the securities owned by each of them shall be included in the calculation of the percentage that the voting rights attaching to the voting securities of the company or other issuer owned by each of them is of all voting rights attaching to the voting securities of the company or other issuer.

Calculation
of percentage

35. Section 92 of the said Act is repealed.

s. 92,
repealed

36. Section 93 of the said Act is amended by adding at the end thereof "or the issuer bid".

s. 93,
amended

37. Subsections 96 (5) and (6) of the said Act are repealed and the following substituted therefor:

s. 96 (5),
re-enacted;
s. 96 (6),
repealed

(5) Where, at the time of sending a directors' circular, the board of directors advises offerees that it is considering recommending acceptance or rejection of a take-over bid, it shall communicate the recommendation or the decision not to make a recommendation to the offerees at least seven days prior to the expiry of the offer.

Advising
of decision
of directors

38. The said Act is further amended by adding thereto the following section:

s. 96a,
enacted

96a. Where, while a take-over bid is still outstanding, a significant change has occurred in the information contained in a directors' circular that has been sent to offerees under subsection 96 (1) or a director's or officer's circular that has been sent to offerees under subsection 96 (3), other than a change that is not

Amendment
of circulars

within the control of the board of directors of the offeree company or the individual director or officer, as the case may be, the board of directors of the offeree company or the individual director or officer, as the case may be, shall forthwith communicate to each offeree an amendment to the circular disclosing the nature and substance of the change.

ss. 97, 98,
re-enacted

39. Sections 97 and 98 of the said Act are repealed and the following substituted therefor:

Approval of
circulars,
etc.

97.—(1) Where a take-over bid is made by or on behalf of an issuer, the contents of the take-over bid circular and of any notice of change or variation shall be approved and the delivery thereof authorized by the directors of the issuer.

Idem

(2) Where a take-over bid is made by or on behalf of an issuer, the take-over bid circular and any notice of change or variation shall contain a statement that the contents thereof have been approved and the delivery thereof authorized by the directors of the issuer.

Idem

(3) The contents of a directors' circular and any amendments to a directors' circular shall be approved and the delivery thereof authorized by the directors of the offeree company.

Idem

(4) A directors' circular and any amendments to a directors' circular shall contain a statement that the contents thereof have been approved and the delivery thereof authorized by the directors of the offeree company.

Idem

(5) A recommendation by the board of directors of an offeree company of acceptance or rejection of a take-over bid or a decision by the board of directors of an offeree company not to make such a recommendation shall be approved and the delivery thereof authorized by the directors of the offeree company.

Idem

(6) A recommendation by the board of directors of an offeree company of acceptance or rejection of a take-over bid or a decision by the board of directors of an offeree company not to make such a recommendation shall contain a statement that the contents thereof have been approved and the delivery thereof authorized by the directors of the offeree company.

Approval of
issuer bid
circular, etc.

98.—(1) The contents of an issuer bid circular and any notice of change or variation shall be approved and the delivery thereof authorized by the directors of the issuer.

Idem

(2) An issuer bid circular and any notice of change or variation shall contain a statement that the contents thereof have been approved and the delivery thereof authorized by the directors of the issuer.

40. Clause 101 (2) (b) of the said Act is repealed and the following substituted therefor: s. 101 (2) (b),
re-enacted

(b) the acquisition or disposition of a put, call or other option with respect to a security shall be deemed a change in the beneficial ownership of the security to which such put, call or other option relates.

41. Sections 102 and 103 of the said Act are repealed and the following substituted therefor: ss. 102, 103,
re-enacted;
s. 103a,
enacted

102.—(1) A person or company who becomes an insider of a reporting issuer, other than a mutual fund, shall, within ten days of becoming an insider, file a report as of the day on which he became an insider disclosing any direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer as may be required by the regulations. Report of
insider

(2) A person or company who has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer changes by a cumulative total of 1 per cent or more in number from that number shown or required to be shown in the report or in the latest report filed by him under this section or any predecessor thereof shall, within ten days following the change, file a report of his direct or indirect beneficial ownership of or his control or direction over securities of the reporting issuer consequent on the change and the change therein that occurred giving such details of each transaction as may be required by the regulations. Idem

(3) A person or company who has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer changes by less than 1 per cent in number from the number shown or required to be shown in the report or in the latest report filed by him under this section or any predecessor thereof shall, within ten days following the end of the month in which the change takes place, if he was an insider of the reporting issuer at any time during such month, file a report of his direct or indirect beneficial ownership or of his control or direction over securities of the reporting issuer at the end of the month and the change or changes therein that occurred during the said month giving such details of each transaction as may be required by the regulations. Idem

(4) A person or company who becomes an insider of a reporting issuer by reason of subsection 1 (8) or (9) shall file the reports required by subsections (1) and (2) of this section for the previous six months or such shorter period that he was a director or senior Idem

officer of the reporting issuer within ten days of the issuer becoming an insider of the reporting issuer or the reporting issuer becoming an insider of another reporting issuer, as the case may be.

Report of
offeror

103.—(1) Where a person or company becomes the beneficial owner, directly or indirectly, of voting securities of a reporting issuer carrying 10 per cent or more of the voting rights that would be attached to all voting securities that would be outstanding on the exercise of all currently exercisable rights of purchase, conversion or exchange relating to voting securities, through purchases effected through a take-over bid or issuer bid exempted from the requirements of Part XIX by subsection 88 (2) or (3), such person or company shall file a report as of the day on which he acquired the ownership within three days of acquiring such 10 per cent ownership.

Idem

(2) A person or company who is the beneficial owner, directly or indirectly, of voting securities of a reporting issuer carrying 10 per cent or more of the voting rights that would be attached to all voting securities that would be outstanding on the exercise of all currently exercisable rights of purchase, conversion or exchange relating to voting securities shall, within three days of purchasing further voting securities carrying an additional 5 per cent of the voting rights, file a report as of the day on which he acquired an additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent.

Idem

(3) Where the facts required to be reported by this section are identical to those required under section 102, a separate report under section 102 is not required.

Report of
others

103*a*.—(1) Where a person or company, other than an offeror as defined in subsection 88 (1), purchases for his or its own account, directly or indirectly, voting securities, as defined in subsection 88 (1) of a reporting issuer carrying 2.5 per cent or more of the voting rights that would be attached to all voting securities that would be outstanding on the exercise of all currently exercisable rights of purchase, conversion or exchange relating to voting securities, while a take-over bid that is subject to the requirements of Part XIX is outstanding, such person or company shall file by 10 o'clock in the forenoon of the next business day a report, as of the day on which he acquired the ownership, and where two or more persons or companies make purchases jointly or in concert or intending to exercise jointly or in concert any voting rights attaching to the securities so acquired, then the voting rights attaching to the securities purchased by each of them shall be included in the calculation of the percentage that the voting rights attaching to the voting securities of the reporting issuer purchased by each of them is of all

voting rights that would be attached to all voting securities that would be outstanding on exercise of all currently exercisable rights of purchase, conversion or exchange relating to voting securities.

(2) Where the facts required to be reported by subsection (1) are identical to those required under section 102 or subsection 103 (2), a separate report under section 102 or subsection 103 (2) is not required. Idem

- 42.** Section 116 of the said Act is repealed and the following substituted therefor: s. 116,
re-enacted

116. The Commission shall summarize in or as a part of a periodical published at least monthly and available to the public on payment of a reasonable fee the information contained in every report filed in compliance with this Part. Publication
of summaries
of reports

- 43.** Subsection 124 (1) of the said Act is repealed and the following substituted therefor: s. 124 (1),
re-enacted

(1) The Commission may, where in its opinion such action is in the public interest, order, subject to such terms and conditions as it may impose, that any or all of the exemptions contained in sections 33, 34, 71, 72 and 88 and in the regulations providing for exemptions from sections 24, 52 and 61 of the Act do not apply to the person or company named in the order. Commission's
discretion
to remove
exemptions

- 44.** The said Act is further amended by adding thereto the following section: s. 126a,
enacted

126a.—(1) Where an offering memorandum sent or delivered to a purchaser as required by clause 71 (1) (d) or (y) or permitted by clause 71 (1) (c) or (p), together with any amendment to the offering memorandum, contains a misrepresentation, a purchaser who purchases a security referred to therein shall be deemed to have relied on such misrepresentation if it was a misrepresentation at the time of purchase and has a right of action for damages against the seller or he may elect to exercise a right of rescission against the seller, in which case he shall have no right of action for damages against the seller. Liability for
misrepresentation
in information
circular

(2) No person or company is liable under subsection (1) if he proves that the purchaser purchased the securities with knowledge of the misrepresentation. Defence

(3) In an action for damages under subsection (1), the defendant is not liable for all or any portion of such damages that he proves do not represent the depreciation in value of the security as a result of the misrepresentation relied upon. Limitation
in action for
damages

Limitation
re amount
recoverable

(4) In no case shall the amount recoverable under this section exceed the price at which the securities were offered.

No
derogation
of rights

(5) The right of action for rescission or damages conferred by this section is in addition to and without derogation from any other right the purchaser may have at law.

s. 127 (1-3),
re-enacted

45. Subsections 127 (1), (2) and (3) of the said Act are repealed and the following substituted therefor:

Liability for
misrepresen-
tation in
circular, etc.

(1) Where a take-over bid circular together with any notice of change or variation communicated to the offerees of an offeree company, as required by Part XIX, contains a misrepresentation, every such offeree shall be deemed to have relied on such misrepresentation and may elect to exercise a right of action for rescission or damages against the offeror or a right of action for damages against,

- (a) every person who at the time the circular or notice was signed was a director of the offeror;
- (b) every person or company whose consent has been filed pursuant to a requirement of the regulations but only with respect to reports, opinions or statements that have been made by them; and
- (c) each person who signed a certificate in the circular or notice other than the persons included in clause (a).

Idem

(2) Where a directors' circular, a director's or officer's circular, an amendment to a directors' circular or an amendment to a director's or officer's circular communicated to the offerees of an offeree company, as required by Part XIX, contains a misrepresentation, every such offeree shall be deemed to have relied on such misrepresentation and, in respect of such misrepresentation in a directors' circular or amendment to a directors' circular, has a right of action for damages against every person who at the time the directors' circular or amendment was signed was a director of the offeree and, in respect of such misrepresentation in a director's or officer's circular or amendment to a director's or officer's circular, has a right of action for damages against every director or officer who signed the director's or officer's circular or amendment.

Idem

(3) The provisions of subsection (1) apply with necessary modifications where an issuer bid circular or any notice of change or variation contains a misrepresentation.

s. 131 (7),
amended

46. Subsection 131 (7) of the said Act is amended by striking out "or" at the end of clause (c), by inserting "or" at the end of clause (d) and by adding thereto the following clause:

- (e) the person or company has acquired knowledge of the material fact or material change from a person or company referred to in clause (a), (b), (c) or (d) and knew or ought reasonably to have known that the person or company communicating the knowledge is a person or company referred to in clause (a), (b), (c) or (d).

47. The said Act is further amended by adding thereto the following section: s. 131a,
enacted

131a.—(1) Every person or company who, before the intention has been generally disclosed and other than in the necessary course of business, communicates his or its intention to make a take-over bid or issuer bid, other than a take-over bid effected in reliance on the exemption in clause 88 (2) (b), (d) or (e) or an issuer bid effected in reliance on the exemption in clause 88 (3) (d) or (e), to another person or company who thereafter purchases securities of the offeree company is liable to compensate the vendor of the securities for damages as a result of the trade unless, Liability
for tipping

- (a) the person or company who communicates his or its intention had reasonable grounds to believe the intention had been generally disclosed;
- (b) the intention was known or ought reasonably to have been known to the vendor; or
- (c) the person or company who communicates his or its intention proves that he or it did not make use of the knowledge of the intention in communicating the intention.

(2) Every person or company in a special relationship with a person or company who has the intention of making a take-over bid or issuer bid who, before the intention has been generally disclosed and other than in the necessary course of business, communicates such intention to make a take-over bid or issuer bid, other than a take-over bid effected in reliance on the exemption in clause 88 (2) (b), (d) or (e) or an issuer bid effected in reliance on the exemption in clause 88 (3) (d) or (e), to another person or company who thereafter purchases securities of the offeree company is liable to compensate the vendor of the securities for damages as a result of the trade unless, Idem

- (a) the person or company who communicated the intention has reasonable grounds to believe that the intention had been generally disclosed;
- (b) the intention was known or ought reasonably to have been known to the vendor; or

- (c) the person or company who communicated the intention proves that he or it did not make use of the knowledge of intention in communicating the intention.

Liability,
joint and
several

(3) Where more than one person or company in a special relationship with a person or company is liable under subsection (2) as to the same transaction or series of transactions, their liability is joint and several.

Measure of
damages

(4) In assessing damages under subsection (1) or (2), the court shall consider the average market price of the security in the twenty trading days following general disclosure of the intention less the price that the vendor received for the security, but the court may instead consider such other measures of damages as may be relevant in the circumstances.

Interpre-
tation

(5) For the purpose of this section, a person or company is in a special relationship with another person or company where the first mentioned person or company is,

- (a) a person or company that is an insider or an affiliate of the second mentioned person or company;
- (b) a director, officer or employee of that person or company or of a person or company is an insider or an affiliate of the second mentioned person or company;
- (c) a person or company that has engaged, is engaging in or proposes to engage in any business or professional activities with, or on behalf of, the second mentioned person or company and thereby has acquired knowledge of the intention to make a take-over bid or issuer bid;
- (d) a person or company that is an associate of the second mentioned person or company or of any person or company referred to in clause (a), (b) or (c); or
- (e) a person or company that has acquired knowledge of the intention to make a take-over bid or issuer bid from a person or company referred to in clause (a), (b), (c) or (d) and knew or ought reasonably to have known that the person or company communicating the knowledge is a person or company referred to in clause (a), (b), (c) or (d).

s. 135,
amended

48. Section 135 of the said Act is amended by adding thereto the following subsection:

Special
limitation
re: s. 126a

(2) Notwithstanding subsection (1), no action shall be commenced to enforce the right created under section 126a more than

120 days after the date on which payment was made for the securities or after the date on which the initial payment for the securities was made where payments subsequent to the initial payment are made pursuant to a contractual commitment assumed prior to, or concurrently with, the initial payment.

- 49.** Section 138 of the said Act is amended by adding thereto the following subsection: s. 138,
amended

(2a) For the purposes of subsection (2), where, pursuant to a procedure agreed to by the Commission, a chartered accountant, a solicitor or any other person whose profession gives authority to a statement made by him is appointed under section 5 to assist the Commission in determining whether there has been a contravention of the Act or the regulations, any act or omission done or omitted in good faith by the person so appointed, in the discharge or intended discharge of his appointment, or by any professional organization or association that has nominated him for such appointment, shall be considered to be done or omitted in compliance with this Act. Immunity for
experts

- 50.** The said Act is further amended by adding thereto the following section: s. 138a,
enacted

138a.—(1) Subject to subsection (2), this Act applies to, Application
to Her
Majesty

- (a) Her Majesty in right of Canada;
- (b) Her Majesty in right of Ontario; and
- (c) Her Majesty in right of any other province or territory of Canada,

and agents and servants thereof.

(2) Subsections 11 (4) and (6), sections 16, 17 and 59, subsection 72 (3) and sections 118, 122, 126, 126a, 127, 131, 131a, 132 and 135 do not apply to, Exceptions

- (a) Her Majesty in right of Canada;
- (b) Her Majesty in right of Ontario;
- (c) Her Majesty in right of any other province or territory of Canada; or
- (d) an agent or servant of Her Majesty, where the matter arises from the performance of a duty or the exercise of a power as an agent or servant of Her Majesty or from any neglect or default in the performance or exercise of such duty or power.

s. 139,
amended

- 51.** Section 139 of the said Act is amended by adding thereto the following paragraph:

8*b.* prescribing the form and content of the financial statements to be provided to the customer of a registered dealer under section 41.

s. 140,
re-enacted

- 52.** Section 140 of the said Act is repealed and the following substituted therefor:

Commission's
discretion
to revoke
or vary its
decision

140. The Commission may, where in its opinion to do so would not be prejudicial to the public interest, make an order, on such terms and conditions as it may impose, revoking or varying any decisions made by it under this Act or the regulations or under a predecessor of this Act or the regulations made thereunder.

Commence-
ment

- 53.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 54.** The short title of this Act is the *Securities Amendment Act, 1982*.

An Act to amend the Securities Act

1st Reading

July 7th, 1982

2nd Reading

3rd Reading

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(*Government Bill*)

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BILL 177

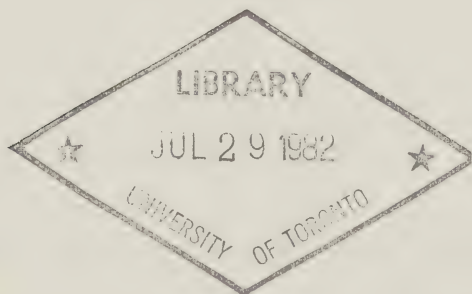
Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Motor Vehicle Accident Claims Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



EXPLANATORY NOTES

The principal purpose of the Bill is to provide a mechanism whereby persons who have claims or judgments against persons who are insured under motor vehicle liability policies issued by a “designated insurer” may apply for payments out of the Motor Vehicle Accident Claims Fund. A “designated insurer” is an insurer and its estate which, in the opinion of the Lieutenant Governor in Council, is not paying or is unable to pay claims against the insurer or claims for which final judgment have been given and which has, by regulation, been named as a designated insurer.

The Bill also amends section 4 of the Act to clarify that the \$100 deductible provision applies only to claims related to property loss and damage.

BILL 177

1982

An Act to amend the Motor Vehicle Accident Claims Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Section 1 of the *Motor Vehicle Accident Claims Act*, being chapter 298 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clause:

(a) “designated insurer” means an insurer named as a designated insurer under subsection (2) and its estate.

- (2) The said section 1 is further amended by adding thereto the following subsection:

(2) Where the Lieutenant Governor in Council is of the opinion that an insurer is not paying or is unable to pay, within a reasonable period of time, claims made against the insurer or claims for which final judgments have been given, the Lieutenant Governor in Council may, by regulation, name the insurer as a designated insurer for the purposes of this Act.

- 2.**—(1) Subsection 4 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, is further amended by striking out “provided that only that amount by which the judgment exceeds \$100 is payable out of the Fund” in the tenth and eleventh lines.

- (2) Section 4 of the said Act is amended by adding thereto the following subsection:

(1a) In the case of loss or damage to property, only the amount by which the loss or damage exceeds \$100 shall be paid out of the Fund under this section.

- 3.** The said Act is amended by adding thereto the following section:

Application
in respect
of designated
insurer

4a.—(1) Where the death of or personal injury to or loss of or damage to property of any person is occasioned in Ontario by a motor vehicle insured under a motor vehicle liability policy issued by a designated insurer, any person who would have a cause of action against the owner or driver of such motor vehicle in respect of such death, personal injury, loss or property damage, except a person entitled to make an application under subsection 5 (1), may make application, in a form prescribed by the Minister, for payment out of the Fund of the damages in respect of such death, personal injury, loss or property damage.

Deductible

(2) In the case of loss or damage to property, only the amount by which the loss or damage exceeds \$100 shall be paid out of the Fund under this section.

Payment
out of Fund
authorized

(3) The Minister may, in respect of an application made under subsection (1), make payment out of the Fund of an amount that he considers proper in all the circumstances if,

(a) the receiver or liquidator of the designated insurer irrevocably agrees to the validity and amount of the claim; and

(b) the applicant executes a release and direction for payment in a form prescribed by the Minister to permit the Minister to claim from the designated insurer the amount paid by him to the applicant.

s. 7 (1),
amended

4.—(1) Subsection 7 (1) of the said Act is amended by adding at the end thereof “and the assignment shall be absolute in its form and effect notwithstanding that the amount paid out of the Fund is less than the amount of the judgment”.

s. 7,
amended

(2) Section 7 of the said Act is amended by adding thereto the following subsection:

Non-
application of
subss. (2, 3)

(4) Subsections (2) and (3) do not apply where the judgment debtor was insured under a motor vehicle liability policy issued by a designated insurer at the time of the accident that gave rise to the judgment.

s. 8,
amended

5. Section 8 of the said Act is amended by adding thereto the following subsection:

Non-
application of
subs. (1)

(2) Subsection (1) does not apply to a judgment debtor who was insured under a motor vehicle liability policy issued by a designated insurer at the time of the accident that gave rise to the judgment.

s. 20,
re-enacted

6. Section 20 of the said Act is repealed and the following substituted therefor:

20.—(1) No payment shall be made out of the Fund in respect of a claim or judgment for damages or in respect of a judgment against the Superintendent of an amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance, and no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance.

Payments in relation to amounts payable by insurer, etc., prohibited
R.S.O. 1980, c. 218

(2) Notwithstanding subsection (1), payments may be made out of the Fund in respect of a claim or judgment for damages where the claim or judgment is against a person who at the time of the accident that gave rise to the claim or judgment was insured under a motor vehicle liability policy issued by a designated insurer, but any amount paid in respect of the claim or judgment by the designated insurer shall be deducted from the amount payable out of the Fund.

Claims and judgments against persons insured by designated insurers

(3) Notwithstanding subsections (1) and (2), no amount shall be paid out of the Fund to reimburse or otherwise indemnify an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*.

No payments by insurers

7. The said Act is further amended by adding thereto the following section:

s. 21a, enacted

21a.—(1) This section applies only to payments out of the Fund made by reason of an insurer being named a designated insurer.

Application

(2) Where a payment is made out of the Fund by reason of an insurer being named as a designated insurer, the limits payable out of the Fund shall be those prescribed by this section and not those prescribed by section 21.

Limits payable in respect of designated insurer

(3) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of March, 1981, the Minister shall not pay out of the Fund more than the total amount of \$200,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$10,000.

Idem

Idem

(4) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and before the 1st day of March, 1981, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000.

Idem

(5) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, the Minister shall not pay out of the Fund more than the total amount of \$50,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000.

Additional
payment

(6) Where a payment has been made out of the Fund by reason of an insurer being named as a designated insurer and the amount of the judgment, excluding interest thereon, exceeds the limits of the Fund as determined under subsections (3) to (5), upon receiving the final payment by the designated insurer, the Minister shall pay to the original judgment creditor an additional amount determined in accordance with the following formula:

$$A = (J - F) \times \frac{R}{J}$$

where,

A = The amount to be paid to the original judgment creditor under this subsection.

F = The amount paid out of the Fund.

J = The lesser of,

(a) the amount of the judgment, excluding interest thereon and costs therein; or

(b) the liability limit of the motor vehicle liability policy issued by the designated insurer.

R = The total amount recovered from the designated insurer with respect to the judgment by the Minister.

(7) Where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid, and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

(8) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

8. This Act comes into force on the day it receives Royal Assent.
9. The short title of this Act is the *Motor Vehicle Accident Claims Amendment Act, 1982*.

BILL 177

An Act to amend the
Motor Vehicle Accident Claims Act

1st Reading

July 7th, 1982

2nd Reading

3rd Reading

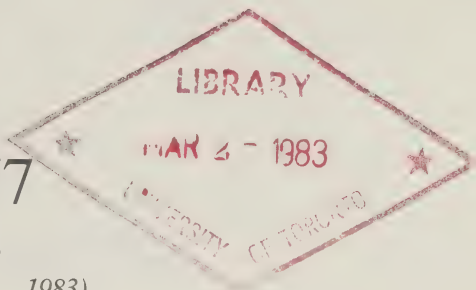
THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(Government Bill)

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Bill 177

(Chapter 12
Statutes of Ontario, 1983)



An Act to amend the Motor Vehicle Accident Claims Act

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	July 7th, 1982
<i>2nd Reading</i>	February 14th, 1983
<i>3rd Reading</i>	February 14th, 1983
<i>Royal Assent</i>	February 23rd, 1983

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1000

Bill 177

1982

An Act to amend the Motor Vehicle Accident Claims Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Motor Vehicle Accident Claims Act*, being chapter 298 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clause: s. 1,
amended

- (a) “designated insurer” means an insurer named as a designated insurer under subsection (2) and its estate.

(2) The said section 1 is further amended by adding thereto the following subsection: s. 1,
amended

(2) Where the Lieutenant Governor in Council is of the opinion that an insurer is not paying or is unable to pay, within a reasonable period of time, claims made against the insurer or claims for which final judgments have been given, the Lieutenant Governor in Council may, by regulation, name the insurer as a designated insurer for the purposes of this Act. Designated
insurer

2.—(1) Subsection 4 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, is further amended by striking out “provided that only that amount by which the judgment exceeds \$100 is payable out of the Fund” in the tenth and eleventh lines. s. 4 (1),
amended

(2) Section 4 of the said Act is amended by adding thereto the following subsection: s. 4,
amended

(1a) In the case of loss or damage to property, only the amount by which the loss or damage exceeds \$100 shall be paid out of the Fund under this section. Deductible

s. 4a,
enacted

3. The said Act is amended by adding thereto the following section:

Application
in respect of
designated
insurer

4a.—(1) Where the death of or personal injury to or loss of or damage to property of any person is occasioned in Ontario by a motor vehicle insured under a motor vehicle liability policy issued by a designated insurer, any person who would have a cause of action against the owner or driver of such motor vehicle in respect of such death, personal injury, loss or property damage, except a person entitled to make an application under subsection 5 (1), may make application, in a form prescribed by the Minister, for payment out of the Fund of the damages in respect of such death, personal injury, loss or property damage.

Deductible

(2) In the case of loss or damage to property, only the amount by which the loss or damage exceeds \$100 shall be paid out of the Fund under this section.

Payment out
of Fund
authorized

(3) The Minister may, in respect of an application made under subsection (1), make payment out of the Fund of an amount that he considers proper in all the circumstances if,

- (a) the receiver or liquidator of the designated insurer irrevocably agrees to the validity and amount of the claim; and
- (b) the applicant executes a release and direction for payment in a form prescribed by the Minister to permit the Minister to claim from the designated insurer the amount paid by him to the applicant.

s. 7 (1),
amended

4.—(1) Subsection 7 (1) of the said Act is amended by adding at the end thereof “and the assignment shall be absolute in its form and effect notwithstanding that the amount paid out of the Fund is less than the amount of the judgment”.

s. 7,
amended

(2) Section 7 of the said Act is amended by adding thereto the following subsection:

Non-appli-
cation of
subss. (2, 3)

(4) Subsections (2) and (3) do not apply where the judgment debtor was insured under a motor vehicle liability policy issued by a designated insurer at the time of the accident that gave rise to the judgment.

s. 8,
amended

5. Section 8 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to a judgment debtor who was insured under a motor vehicle liability policy issued by a designated insurer at the time of the accident that gave rise to the judgment.

Non-appli-
cation of
subs. (1)

6. Section 20 of the said Act is repealed and the following substituted therefor:

s. 20,
re-enacted

20.—(1) No payment shall be made out of the Fund in respect of a claim or judgment for damages or in respect of a judgment against the Superintendent of an amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance, and no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance.

Payments in
relation to
amounts
payable by
insurer, etc.,
prohibited
R.S.O. 1980,
c. 218

(2) Notwithstanding subsection (1), payments may be made out of the Fund in respect of a claim or judgment for damages where the claim or judgment is against a person who at the time of the accident that gave rise to the claim or judgment was insured under a motor vehicle liability policy issued by a designated insurer, but any amount paid in respect of the claim or judgment by the designated insurer shall be deducted from the amount payable out of the Fund.

Claims and
judgments
against
persons
insured by
designated
insurers

(3) Notwithstanding subsections (1) and (2), no amount shall be paid out of the Fund to reimburse or otherwise indemnify an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*.

No payments
by insurers

7. The said Act is further amended by adding thereto the following section:

s. 21a,
enacted

21a.—(1) This section applies only to payments out of the Fund made by reason of an insurer being named a designated insurer.

Application

(2) Where a payment is made out of the Fund by reason of an insurer being named as a designated insurer, the limits payable out of the Fund shall be those prescribed by this section and not those prescribed by section 21.

Limits
payable in
respect of
designated
insurer

(3) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of March, 1981, the Minister shall not pay out of the Fund more than the total amount of \$200,000, exclu-

Idem

sive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$10,000.

Idem

(4) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and before the 1st day of March, 1981, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000.

Idem

(5) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, the Minister shall not pay out of the Fund more than the total amount of \$50,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000.

Additional
payment

(6) Where a payment has been made out of the Fund by reason of an insurer being named as a designated insurer and the amount of the judgment, excluding interest thereon, exceeds the limits of the Fund as determined under subsections (3) to (5), upon receiving the final payment by the designated insurer, the Minister shall pay to the original judgment creditor an additional amount determined in accordance with the following formula:

$$A = (J - F) \times \frac{R}{J}$$

where,

A = The amount to be paid to the original judgment creditor under this subsection.

F = The amount paid out of the Fund.

J = The lesser of,

- (a) the amount of the judgment, excluding interest thereon and costs therein; or
- (b) the liability limit of the motor vehicle liability policy issued by the designated insurer.

R = The total amount recovered from the designated insurer with respect to the judgment by the Minister.

(7) Where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid, and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Partial discharge of judgment debt

(8) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

Interest

8. This Act comes into force on the day it receives Royal Assent.

Commencement

9. The short title of this Act is the *Motor Vehicle Accident Claims Amendment Act, 1983*.

Short title

BILL 178

Government Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LEGISLATIVE ASSEMBLY

An Act to amend the Pension Benefits Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations



TORONTO

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EXPLANATORY NOTES

SECTION 1. "assets" and "current service cost" are defined.

SECTION 2. Subsection 21 (2) of the Act at present states that "the employer is liable to pay all amounts that would otherwise have been required to be paid to meet the tests for solvency prescribed by the regulations" upon the termination or winding up of a pension plan.

BILL 178

1982

An Act to amend the Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Pension Benefits Act*, being chapter 373 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clauses: s. 1 (1),
amended

(a) “assets”, when used in relation to an employer, means assets that in the ordinary course of business would be entered in books of account, whether or not a particular asset is entered in the books of account of the employer;

.

(ab) “current service cost” means the amount of money that the employer of employees, who are members of a pension plan, is required by the plan, this Act and the regulations to pay into the plan in a fiscal year of the plan to cover the cost of benefits accrued during the fiscal year.

2. Subsection 21 (2) of the said Act is repealed and the following substituted therefor: s. 21 (2),
re-enacted

(2) Upon the termination or winding up of a registered pension plan, the employer of employees covered by the pension plan shall pay to the administrator, insurer or trustee of the pension plan, Termination
or
winding up

(a) an amount equal to,

(i) the current service cost, and

(ii) the special payments prescribed by the regulations,

that have accrued to and including the date of the termination or winding up but, under the terms of the pension plan or the regulations, are not due on that date; and

- (b) all other payments that, by the terms of the pension plan or the regulations, are due from the employer to the pension plan but have not been paid at the date of the termination or winding up.

Accrual

(2a) For the purposes of clause (2) (a), the current service cost and special payments shall be deemed to accrue on a daily basis.

s. 23,
re-enacted

3. Section 23 of the said Act is repealed and the following substituted therefor:

Trust money
for employee

23.—(1) Where an employer receives money from an employee under an arrangement that the employer will pay the money into a pension plan as the employee's contribution to the pension plan, the employer shall be deemed to hold the money in trust for the employee until the employer pays the money into the pension plan.

Money
deemed
to be
received

(2) For the purposes of subsection (1), money withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be money received by the employer from the employee.

Employee's
lien

(3) The administrator or trustee of the pension plan has a lien and charge upon the assets of the employer in an amount equal to the amount that is deemed to be held in trust under subsection (1).

Trust money
for plan
members

(4) An employer who is required by a pension plan to contribute to the pension plan shall be deemed to hold in trust for the members of the pension plan an amount of money equal to the total of,

- (a) all moneys that the employer is required to pay into the pension plan to meet,

(i) the current service cost, and

(ii) the special payments prescribed by the regulations,

that are due under the pension plan or the regulations and have not been paid into the pension plan; and

SECTION 3. Section 23 of the Act specifies the moneys that an employer is deemed to hold in trust for employees in respect of a pension plan. Subsections 23 (1) and (2) relate to employee contributions and subsection 23 (4) relates to employer contributions. Subsections (3) and (5), as re-enacted, provide for a lien in respect of the amounts deemed to be held in trust. New subsection (6) is at present part of subsection (1).

SECTION 4.—Subsection 1. Clauses 26 (1) (*d*) and (*e*) are restated to add a reference to the regulations.

Subsection 2. New subsections 26 (4) and (4*a*) provide for notice to an employee when the employee has the right to make an election under subsection 26 (1). New subsections 26 (4*b*) and (4*c*) deal with the case where an employee does not make an election; this is currently dealt with in subsection 26 (4).

Subsection 3. Subsection 26 (6) is restated for clarification. New subsection 26 (7) adds a qualification where the employee has not made required contributions to the pension plan.

- (b) where the pension plan is terminated or wound up, any other money that the employer is liable to pay under clause 21 (2) (a).

(5) The administrator or trustee of the pension plan has a lien ^{Members' lien} and charge upon the assets of the employer in an amount equal to the amount that is deemed to be held in trust under subsection (4).

(6) Subsections (1) and (4) apply whether or not the moneys ^{Application of subss. (1, 4)} mentioned in those subsections are kept separate and apart from other money.

4.—(1) Clauses 26 (1) (d) and (e) of the said Act are repealed and the ^{s. 26 (1) (d, e), re-enacted} following substituted therefor:

(d) subject to the regulations, to transfer his pension benefit credit to a pension plan of his new employer if the transfer is accepted by the pension plan of his new employer; or

(e) subject to the regulations, to transfer his pension benefit credit to a registered retirement savings plan as defined in the *Income Tax Act* (Canada).

R.S.C. 1952,
c. 148

(2) Subsection 26 (4) of the said Act is repealed and the following ^{s. 26 (4), re-enacted} substituted therefor:

(4) The administrator of the pension plan that is wound up, in whole or in part, shall give notice to each employee to whom ^{Notice of right to elect} subsection (1) applies that the employee has the right to make an election under subsection (1).

(4a) Where there is no administrator of the pension plan, the employer of an employee to whom subsection (1) applies shall ^{Where no administrator} give to the employee the notice mentioned in subsection (4).

(4b) An employee to whom subsection (1) applies who does not make an election within three months after having been given the notice mentioned in subsection (4) shall be deemed to have ^{Employee deemed to elect} elected,

(a) under clause (1) (a) to receive an immediate pension benefit; or

(b) if the employee is not eligible under the pension plan to receive an immediate pension benefit, under clause (1) (b) to receive a pension benefit commencing at whichever age mentioned in the clause comes first.

Deemed
election
final

(4c) An employee who, under subsection (4b), is deemed to have made an election does not have and shall not be deemed to have the right to make any other election under subsection (1).

s. 26 (6),
re-enacted

(3) Subsection 26 (6) of the said Act is repealed and the following substituted therefor:

Notice
period

(6) For the purposes of determining eligibility for and the amount of a pension benefit referred to in subsection (1), the period of time that an employee has been in the service of his employer or has been a member of the pension plan, as the case may be, includes the period of the notice required under Part XII of the *Employment Standards Act* to terminate the employment of the employee.

R.S.O. 1980,
c. 137

Application of
subs. (6)

(7) Subsection (6) does not apply for the purpose of calculating the amount of a pension benefit of an employee who is required by the pension plan to make contributions to the pension plan and has not done so for the period of the notice required to terminate the employment of the employee under Part XII of the *Employment Standards Act*.

s. 27 (2),
re-enacted

5.—(1) Subsection 27 (2) of the said Act is repealed and the following substituted therefor:

Application of
subs. (1)

(2) Notwithstanding subsection (1), where a person is receiving payment under a pension plan to satisfy the payment of pension benefits to which the person is entitled, the payment is subject to execution, seizure or attachment in satisfaction of an order for support or maintenance enforceable in Ontario.

Notice of
enforcement

(3) Subsection (2) applies only where the person receiving payment is given ten days notice, or such greater notice as is otherwise required by law in Ontario, as to the enforcement of the order.

Application of
s. 27 (2)

(2) Subsection 27 (2) of the said Act, as re-enacted by subsection (1) of this section, applies to orders for support or maintenance enforceable in Ontario whether made before or after this section comes into force.

s. 30 (2),
amended

6. Subsection 30 (2) of the said Act is amended by inserting after "in" in the fourth line "this Act and".

s. 31 (1) (d),
re-enacted

7. Clause 31 (1) (d) of the said Act is repealed and the following substituted therefor:

(d) the value of the contributions an employee was required to make and has made to the defined benefit pension plan in respect of service in Ontario, to the

SECTION 5.—Subsection 1. Subsection 27 (1) of the Act states that moneys payable under a pension plan are not attachable. Subsection 27 (2) of the Act provides an exception in the case of an order for support under the *Family Law Reform Act*. The re-enacted subsection 27 (2) widens the exception to the case of an order for support or maintenance enforceable in Ontario. New subsection 27 (3) requires that notice be given of the enforcement of the order.

Subsection 2. The subsection clarifies the application of the re-enacted subsection 27 (2).

SECTION 6. Subsection 30 (2) sets out the purpose of the Pension Benefits Guarantee Fund and mentions limits and qualifications in the regulations. The amendment adds a reference to the Act.

SECTION 7. Subsection 31 (1) states the pension benefits that are guaranteed by the Fund on the winding up of a defined benefit pension plan. Clause 31 (1) (d) is re-enacted to mention the value of the pension benefit accrued to the employee from voluntary contributions.

SECTION 8. Section 32 of the Act deals with the liability of the employer when a defined benefit pension plan is wound up. The method of calculating the liability is restated for clarification.

Section 33 of the Act gives the Commission a lien for money paid out of the Fund.. The re-enacted section omits reference to the making of an agreement and provides for registration of notice of the lien.

SECTION 9. Subsection 38 (1) authorizes the making of regulations.

extent that the value of the contributions exceeds the value of the pension benefit credit of the employee, including the value of the pension benefit of the employee guaranteed under clause (a) or (c), plus the value of any additional voluntary contributions made by the employee to the defined benefit pension plan while the employee was employed in Ontario.

8. Sections 32 and 33 of the said Act are repealed and the following substituted therefor: ss. 32, 33,
re-enacted

32.—(1) The employer of employees who are members of a defined benefit pension plan that the employer is bound by or to which the employer is a party and that is partly or wholly wound up shall pay to the administrator, insurer or trustee of the plan an amount of money equal to the amount by which the value of the pension benefits guaranteed by section 31 plus the value of the pension benefits vested under the defined benefit pension plan exceeds the value of the assets of the plan allocated in accordance with the regulations for payment of pension benefits accrued with respect to service in Ontario. Payment
by employer
to defined
benefit
pension
plan

(2) The amount that the employer is required to pay under subsection (1) is in addition to the amounts that the employer is liable to pay under subsection 21 (2). Payment
additional
to other
amounts

(3) The employer shall pay the amount required under subsection (1) to the administrator, insurer or trustee of the defined benefit pension plan in the manner prescribed by the regulations. Manner of
payment

33.—(1) The Commission has a lien and charge upon the assets of the employer of employees who are members of a defined benefit pension plan in respect of which the Commission pays money out of the Fund. Lien for
payment
out of Fund

(2) The lien and charge under subsection (1) is in an amount equal to the amount of the payment out of the Fund plus interest calculated at the rate and in the manner prescribed by the regulations. Amount
of lien

(3) The lien and charge under subsection (1) does not affect assets that are real property until a notice of the lien and charge that includes a description of the real property is registered in the proper land registry office and the Commission may so register notice of the lien and charge. Notice
of lien

- 9.—(1) Subsection 38 (1) of the said Act is amended by adding thereto the following clause: s. 38 (1),
amended

(aa) prescribing any matter referred to in this Act as prescribed by the regulations.

s. 38 (1) (b)
(xiv),
amended

- (2) Subclause 38 (1) (b) (xiv) of the said Act is amended by adding at the end thereof "and prescribing conditions to which any such variance shall be subject".

s. 38 (1),
amended

- (3) The said subsection 38 (1) is further amended by adding thereto the following clause:

(ga) where the Minister is satisfied that it is in the best interest of the members of the pension plan and in the public interest, designating employees of pension plans, or any class thereof, that are excepted from the application of any provision of this Act or the regulations.

s. 38a,
enacted

- 10.** The said Act is amended by adding thereto the following section:

Service

38a.—(1) Any notice or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is to be given, served or delivered at his last known address.

When service
deemed made

(2) A notice or other document sent by registered mail in accordance with subsection (1) shall be deemed to be given, served or delivered on the seventh day after the day of mailing, unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

Commence-
ment

- 11.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 12.** The short title of this Act is the *Pension Benefits Amendment Act, 1982*.

SECTION 10. Section 38*a* is added to provide for the giving of notice personally or by registered mail.

BILL 178

An Act to amend the Pension Benefits Act

1st Reading

July 7th, 1982

2nd Reading

3rd Reading

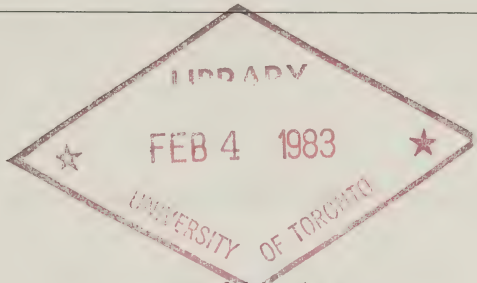
THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

(Government Bill)

Bill 178

2ND SESSION, 32ND LEGISLATURE, ONTARIO

31 ELIZABETH II, 1982



Bill 178

*(Chapter 2
Statutes of Ontario, 1983)*

An Act to amend the Pension Benefits Act

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	July 7th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill 178

1982

An Act to amend the Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Pension Benefits Act*, being chapter 373 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clauses: s. 1 (1),
amended

- (a) “assets”, when used in relation to an employer, means assets that in the ordinary course of business would be entered in books of account, whether or not a particular asset is entered in the books of account of the employer;

.

- (ab) “current service cost” means the amount of money that the employer of employees, who are members of a pension plan, is required by the plan, this Act and the regulations to pay into the plan in a fiscal year of the plan to cover the cost of benefits accrued during the fiscal year.

2. Subsection 21 (2) of the said Act is repealed and the following substituted therefor: s. 21 (2),
re-enacted

(2) Upon the termination or winding up of a registered pension plan, the employer of employees covered by the pension plan shall pay to the administrator, insurer or trustee of the pension plan, Termination
or
winding up

- (a) an amount equal to,
 - (i) the current service cost, and
 - (ii) the special payments prescribed by the regulations,

that have accrued to and including the date of the termination or winding up but, under the terms of the pension plan or the regulations, are not due on that date; and

- (b) all other payments that, by the terms of the pension plan or the regulations, are due from the employer to the pension plan but have not been paid at the date of the termination or winding up.

Accrual

(2a) For the purposes of clause (2) (a), the current service cost and special payments shall be deemed to accrue on a daily basis.

s. 23,
re-enacted

3. Section 23 of the said Act is repealed and the following substituted therefor:

Trust money
for employee

23.—(1) Where an employer receives money from an employee under an arrangement that the employer will pay the money into a pension plan as the employee's contribution to the pension plan, the employer shall be deemed to hold the money in trust for the employee until the employer pays the money into the pension plan.

Money
deemed
to be
received

(2) For the purposes of subsection (1), money withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be money received by the employer from the employee.

Employee's
lien

(3) The administrator or trustee of the pension plan has a lien and charge upon the assets of the employer in an amount equal to the amount that is deemed to be held in trust under subsection (1).

Trust money
for plan
members

(4) An employer who is required by a pension plan to contribute to the pension plan shall be deemed to hold in trust for the members of the pension plan an amount of money equal to the total of,

- (a) all moneys that the employer is required to pay into the pension plan to meet,
 - (i) the current service cost, and
 - (ii) the special payments prescribed by the regulations,

that are due under the pension plan or the regulations and have not been paid into the pension plan; and

- (b) where the pension plan is terminated or wound up, any other money that the employer is liable to pay under clause 21 (2) (a).

(5) The administrator or trustee of the pension plan has a lien and charge upon the assets of the employer in an amount equal to the amount that is deemed to be held in trust under subsection (4).

Members' lien

(6) Subsections (1) and (4) apply whether or not the moneys mentioned in those subsections are kept separate and apart from other money.

Application of subss. (1, 4)

4.—(1) Clauses 26 (1) (d) and (e) of the said Act are repealed and the following substituted therefor:

s. 26 (1) (d, e), re-enacted

(d) subject to the regulations, to transfer his pension benefit credit to a pension plan of his new employer if the transfer is accepted by the pension plan of his new employer; or

(e) subject to the regulations, to transfer his pension benefit credit to a registered retirement savings plan as defined in the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

(2) Subsection 26 (4) of the said Act is repealed and the following substituted therefor:

s. 26 (4), re-enacted

(4) The administrator of the pension plan that is wound up, in whole or in part, shall give notice to each employee to whom subsection (1) applies that the employee has the right to make an election under subsection (1).

Notice of right to elect

(4a) Where there is no administrator of the pension plan, the employer of an employee to whom subsection (1) applies shall give to the employee the notice mentioned in subsection (4).

Where no administrator

(4b) An employee to whom subsection (1) applies who does not make an election within three months after having been given the notice mentioned in subsection (4) shall be deemed to have elected,

Employee deemed to elect

(a) under clause (1) (a) to receive an immediate pension benefit; or

(b) if the employee is not eligible under the pension plan to receive an immediate pension benefit, under clause (1) (b) to receive a pension benefit commencing

ing at whichever age mentioned in the clause comes first.

Deemed
election
final

(4c) An employee who, under subsection (4b), is deemed to have made an election does not have and shall not be deemed to have the right to make any other election under subsection (1).

s. 26 (6),
re-enacted

(3) Subsection 26 (6) of the said Act is repealed and the following substituted therefor:

Notice
period

(6) For the purposes of determining eligibility for and the amount of a pension benefit referred to in subsection (1), the period of time that an employee has been in the service of his employer or has been a member of the pension plan, as the case may be, includes the period of the notice required under Part XII of the *Employment Standards Act* to terminate the employment of the employee.

R.S.O. 1980,
c. 137

Application
of
subs. (6)

(7) Subsection (6) does not apply for the purpose of calculating the amount of a pension benefit of an employee who is required by the pension plan to make contributions to the pension plan and has not done so for the period of the notice required to terminate the employment of the employee under Part XII of the *Employment Standards Act*.

s. 27 (2),
re-enacted

5.—(1) Subsection 27 (2) of the said Act is repealed and the following substituted therefor:

Application
of
subs. (1)

(2) Notwithstanding subsection (1), where a person is receiving payment under a pension plan to satisfy the payment of pension benefits to which the person is entitled, the payment is subject to execution, seizure or attachment in satisfaction of an order for support or maintenance enforceable in Ontario.

Notice of
enforcement

(3) Subsection (2) applies only where the person receiving payment is given ten days notice, or such greater notice as is otherwise required by law in Ontario, as to the enforcement of the order.

Application
of
s. 27 (2)

(2) Subsection 27 (2) of the said Act, as re-enacted by subsection (1) of this section, applies to orders for support or maintenance enforceable in Ontario whether made before or after this section comes into force.

s. 30 (2),
amended

6. Subsection 30 (2) of the said Act is amended by inserting after “in” in the fourth line “this Act and”.

s. 31 (1) (d),
re-enacted

7. Clause 31 (1) (d) of the said Act is repealed and the following substituted therefor:

- (d) the value of the contributions an employee was required to make and has made to the defined benefit pension plan in respect of service in Ontario, to the extent that the value of the contributions exceeds the value of the pension benefit credit of the employee, including the value of the pension benefit of the employee guaranteed under clause (a) or (c), plus the value of any voluntary additional contributions made by the employee to the defined benefit pension plan while the employee was employed in Ontario.

8. Sections 32 and 33 of the said Act are repealed and the following substituted therefor:

ss. 32, 33,
re-enacted

32.—(1) The employer of employees who are members of a defined benefit pension plan that the employer is bound by or to which the employer is a party and that is partly or wholly wound up shall pay to the administrator, insurer or trustee of the plan an amount of money equal to the amount by which the value of the pension benefits guaranteed by section 31 plus the value of the pension benefits vested under the defined benefit pension plan exceeds the value of the assets of the plan allocated in accordance with the regulations for payment of pension benefits accrued with respect to service in Ontario.

Payment
by employer
to defined
benefit
pension
plan

(2) The amount that the employer is required to pay under subsection (1) is in addition to the amounts that the employer is liable to pay under subsection 21 (2).

Payment
additional
to other
amounts

(3) The employer shall pay the amount required under subsection (1) to the administrator, insurer or trustee of the defined benefit pension plan in the manner prescribed by the regulations.

Manner of
payment

33.—(1) The Commission has a lien and charge upon the assets of the employer of employees who are members of a defined benefit pension plan in respect of which the Commission pays money out of the Fund.

Lien for
payment
out of Fund

(2) The lien and charge under subsection (1) is in an amount equal to the amount of the payment out of the Fund plus interest calculated at the rate and in the manner prescribed by the regulations.

Amount
of lien

(3) The lien and charge under subsection (1) does not affect assets that are real property until a notice of the lien and charge that includes a description of the real property is registered in the proper land registry office and the Commission may so register notice of the lien and charge.

Notice of
lien

s. 38 (1),
amended

9.—(1) Subsection 38 (1) of the said Act is amended by adding thereto the following clause:

(aa) prescribing any matter referred to in this Act as prescribed by the regulations.

s. 38 (1) (b)
(xiv),
amended

(2) Subclause 38 (1) (b) (xiv) of the said Act is amended by adding at the end thereof “and prescribing conditions to which any such variance shall be subject”.

s. 38 (1),
amended

(3) The said subsection 38 (1) is further amended by adding thereto the following clause:

(ga) where the Minister is satisfied that it is in the best interest of the members of the pension plan and in the public interest, designating employees or pension plans, or any class thereof, that are excepted from the application of any provision of this Act or the regulations.

s. 38a,
enacted

10. The said Act is amended by adding thereto the following section:

Service

38a.—(1) Any notice or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is to be given, served or delivered at his last known address.

When service
deemed
made

(2) A notice or other document sent by registered mail in accordance with subsection (1) shall be deemed to be given, served or delivered on the seventh day after the day of mailing, unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

Commence-
ment

11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

12. The short title of this Act is the *Pension Benefits Amendment Act, 1983*.

